

GAHC040014472023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : Crl.Petn./197/2023

Khoda Oka, D/O Late Khoda Koyang
R/O Barapani,
Naharlagun,
PO/PS-Naharlagun,
Dist-Papumpare
Mob.No.9774295736

2: Bullo Sambyo
Age:
Occupation :
S/o Late Bullo Genda
Presently residing at Polo Colony
Naharlagun
P.O/P.S Naharlagun
Dist. Papum Pare
Arunachal Pradesh.
897490965

VERSUS

THE STATE OF AP
Represented by Public Prosecutor.

Advocate for the Petitioner : G Tadi

Advocate for the Respondent : P P of AP

**BEFORE
HONBLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 21-08-2024

Heard Mr. G. Tadi, learned counsel for the petitioners and Mr. G. Tado, learned Additional Public Prosecutor for the State of Arunachal Pradesh.

2. This is an application under Section 482 of the Cr.P.C, 1973 has been jointly filed by the petitioners namely, Ms. Khoda Oka and Shri Bullo Sambyo, praying for quashing of the criminal proceedings in G.R. Case No. 273/2020, registered under Sections 341/324 of the IPC.

3. Mr. Tadi, learned counsel for the petitioners has submitted that on 25.04.2020, the petitioner No. 1 namely, Ms. Khoda Oka, lodged an FIR before the Officer-in-Charge of Naharlagun Police Station, inter alia, alleging that the accused, Shri Bullo Sambyo (petitioner No. 2) has assaulted the brother of the first informant and cause serious injuries to his person. On receipt of the said FIR, Naharlagun P.S. Case No. 56/2020 was registered under Sections 341/324 of the IPC and investigation was initiated. Ultimately, after completion of the investigation, on 15.02.2021, chargesheet was laid against the petitioner No. 2 namely, Bullo Sambyo under Sections 341/324 of the IPC.

4. Mr. Tadi, learned counsel for the petitioners has submitted that the victim i.e. the brother of the petitioner No. 1 has, in the meanwhile, passed away on 01.09.2020 and there has been a mutual settlement arrived at between the first informant and the accused i.e. the petitioner No. 1 and petitioner No. 2 in this case. Learned counsel for the petitioners has also submitted that a deed of settlement has also been executed between both the petitioners on 02.08.2023

wherein it was agreed by the informant not to pursue the criminal case as it was filed due to misunderstanding between the parties. It was amicably decided that both the parties shall live peacefully and affectionately and shall maintain peace and harmony among the families.

5. Mr. Tadi, learned counsel for the petitioners further submitted that both the petitioners are related to each other and in view of the mutual settlement arrived at between them, no fruitful result would come if the G.R. Case No. 273/2020 is further pursued. He also submitted that has it would be futile to pursue with the said G.R. Case No. 273/2020, it would be in the ends of justice to quashed the said proceedings so that the parties who have already arrived at amicable settlement may live peacefully.

6. Mr. Tadi, learned counsel for the petitioners cited the ruling of the Apex Court in the case "*Narinder Singh and Others Vs. State of Punjab and Another*", reported in (2014) 6 SCC 466 wherein the Apex Court had allowed quashing of a proceeding in a criminal case involving offence under Sections 307/324/323/34 of the IPC on the basis of compromise arrived at between the complainant and the accused persons.

7. Mr. G. Tado, learned Additional Public Prosecutor for the State has submitted that in view of the compromise arrived at between the parties, no fruitful result is expected if the criminal proceeding is pursued and therefore, for the ends of justice, this Court may pass appropriate orders.

8. I have considered the submissions made by learned counsel for both the sides and have perused the material available on records including the deed of settlement executed between the petitioners on 02.08.2023.

9. It appears from the materials on record that the brother of the petitioner

No. 1, who was the victim in the case, has expired due to ailment on 01.09.2020 and the present petitioners are also related to each other. The petitioner No. 1, who is the complainant, is also one of the main witnesses for prosecution side listed in the chargesheet and in view of the settlement arrived at between the parties, this Court is of the considered opinion that it would be futile to proceed with the G.R. Case No. 273/2020 against the petitioner No. 2, Shri Bullo Sambyo and this Court is of the considered opinion that for the ends of justice and to prevent the abuse of the process of the Court, the proceeding of the G.R. Case No. 273/2020 is required to be quashed which this Court accordingly do.

10. This criminal petition is, accordingly, allowed and G.R. Case No. 273/2020 pending in the Court of learned Chief Judicial Magistrate Yupia against the petitioner No. 2, Shri Bullo Sambyo, is hereby quashed.

JUDGE

Comparing Assistant