

GAHC040016552023



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

Case No. : Crl.Petn./229/2023

Hopio Tajo and Anr.

S/o Lt. Tawa Tajo, a permanent resident of Village Tajo, PO/PS Chayang Tajo, Distr. East Kameng, A.P and Presently residing at Boso Colony Seppa, PO/PS Seppa, Distr. East Kameng, Arunachal Pradesh. Mobile No. 8798912465

2: Smti Mery Gyadi Tajo

W/o Shri Hopio Tajo, aged about 28 years,
a permant resident of village- Tajo,
PO/PS- Chayang Tajo, District- East Kameng, AP
and presently residing at Boso Colony Seppa,
PO/PS- Seppa, District- East Kameng,
Aruanchal Pradesh.
Mobile number- 9862508078

VERSUS

THE STATE OF AP

represented by the Public Prosecutor

Advocate for the Petitioner : Tabo Gyadi

Advocate for the Respondent : L. Hage, PP of AP

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

ORDER

Date : 30.08.2024

Heard Mr. T. Gyadi, learned counsel for the petitioner. Also heard Ms. L. Hage, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 482 of Cr.P.C, 1973, has been jointly filed by the petitioners, namely, **Shri Hapio Tajo and Smti Mery Gyadi Tajo**, who are husband and wife in relationship, for quashing of G. R. Case No. 78/2022 corresponding to Seppa WPS Case No. 15/2022 under Sections 498(A)/326/506 of IPC, presently pending in the Court of learned Chief Judicial Magistrate, Seppa.

3. The facts relevant for consideration of the instant criminal petition, in brief, are as follows:

(i) That on 29.09.2022, the petitioner No. 2 Smti Mery Gyadi Tajo had lodged an FIR before the Officer-In-Charge of Women Police Station, Seppa, East Kameng District, inter alia, alleging that the petitioner No. 1 has assaulted her and subjected her to cruelty.

(ii) On receipt of the said FIR, Seppa WPS Case No. 15/2022, under Sections 498(A)/326/506 was registered and investigation was

initiated.

(iii) Ultimately, on completion of investigation, charge-sheet was laid against the petitioner No. 1 under Sections 498(A)/323 of IPC.

4. Mr. T. Gyadi, learned counsel for the petitioners has submitted that after the alleged incident both the petitioners have amicably settled their disputes amongst themselves and to that effect, they have also executed a deed of an agreement on 26.10.2022 and one of the stipulations in the said agreement was that the petitioner No. 1 would give 80% of his monthly salary to the petitioner No. 2, which according to the learned counsel for the petitioner, the petitioner No. 1 is still following.

5. Mr. T. Gyadi, learned counsel for the petitioners also submits that both the petitioners have 2(two) sons out of their wedlock who are aged about 9(nine) and 6 (six) years and they are now leading a peaceful marital life. He submits that in view of amicable settlement arrived at between the parties, there is unlikelihood that the pending G.R. Case No. 78/2022 against the petitioner No. 1 would end in conviction and therefore, he submits that the said G.R Case No. 78/2022 may be quashed for the ends of justice.

6. In support of his submissions, learned counsel for the petitioner has cited a ruling of the Apex Court in the case of **Narinder Singh & Ors., vs. State of Punjab & Anr.**, reported in **(2014) 6 SCC 466**.

7. On the other hand, Ms. L. Hage, learned Additional Public Prosecutor has fairly submitted that considering the fact that the petitioners are husband and wife in relationship and considering the fact that they have amicably arrived at settlement amongst themselves and are now leaving a peaceful marital life. There are bleak chances of conviction in the instant case and therefore, she submits that it could be an abuse of process of Court to continue with the said prosecution. Hence, she submits that it may be a fit case where the powers of this Court under Section 482 of Cr.P.C may be invoked for quashing the pending prosecution against the petitioner No. 1.

8. I have considered the submissions made by the learned counsel for the petitioners as well by the learned Public Prosecutor and I have gone through the materials on record including the copy of settlement deed executed between the parties.

9. This criminal petition has been filed jointly by the petitioners who are husband and wife in relationship and as the dispute in the pending G.R Case is in the nature of family dispute between spouses which has been amicably settled by the parties, this Court is in agreement with the submissions made by the learned counsel for both sides that it would be futile to proceed with the prosecution in G. R. Case No. 78/2022, as the prospect of the case resulting in conviction are very bleak. Therefore, this

Court is of considered opinion that this is an appropriate case, where the inherent powers of this Court may be invoked to quash the pending criminal case against the petitioner No. 1 for the ends of justice and to prevent the abuse of process of Court.

11. For the reasons mentioned herein above, the pending case against the petitioner No. 1 i.e., G. R. Case No. 78/2022 is hereby quashed.

12. With the above observation, this criminal petition is accordingly, allowed and stands disposed of.

JUDGE

Comparing Assistant