

GAHC010058112021



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

Case No. : Crl.Pet./208/2021

NARAYAN CHANDRA DAS
S/O LATE TITHI RAM DAS, R/O HOUSE NO. 11, R.G. BARUAH ROAD, BYE
LANE NO. 3, ZOO ROAD TINIALI, P.S.-CHANDMARI, DIST-KAMRUP (M),
ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:MANOMATI DAS
W/O SRI NIBARAN DAS
R/O HOUSE NO. 2
NAVODAY PATH
DWARKA NAGAR
P.O.-KHANAPARA
P.S.-DISPUR
GUWAHATI-22
DIST-KAMRUP(M)
ASSA

Advocate for the Petitioner : MR. M AHMED

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 07-02-2024

Heard Mr. M. Ahmed, learned counsel for the petitioner and also heard Mr. S. K. Chakma, learned counsel for the respondent No.2 and Mr. B. Sarma, learned Addl. P.P. for the State respondent No. 1.

In this petition u/s 482 Cr.P.C., the petitioner, namely, Narayan Ch. Das has prayed for quashing of the FIR dtd. 17.6.2019, of Dispur P.S. Case No. 1906/2019, u/s 420/406 IPC . It is to be noted herein that the above noted case has been registered on the basis of an FIR lodged by one Smt Monomati Das on 17.6.2019.

The essence of allegation made in the FIR, dtd. 17.6.2019, is that the informant Monomoti Das entered into an agreement with Narayan Das for purchasing a plot of land measuring 1 bigha, covered by Dag No. 296, KP Patta FS No. Grant No.1 of village Panikheti, under Beltola Mauza under Pragjyotishpur Police Station, on 12.4.2014, fixing the sale price at Rs. 25,00,000/- and taking advance of a sum of Rs 4,00,000/-, and though Narayan Das told her that he is the agreement holder of the aforesaid plot of land with the owner, yet, he could not able to produce the copy of agreement between him and the owner of the land and also failed to obtain sale permission and remained silent for long period and therefore, the informant suspects that Narayan Das has cheated her by hatching a conspiracy and taken the advance money from her.

Mr. Ahmed, learned counsel for the petitioner submits that upon the said

FIR, Officer-in-Charge, Dispur P.S. has registered a case, being Dispur P.S. Case No.1906/2019, u/s 420/406 IPC and started investigation and in the meantime, the petitioner and the informant i.e. respondent No.2 of this petition, have settled the dispute amicably and they have also executed one deed of agreement and pursuant to the said agreement, the petitioner has returned a sum of Rs.4,00,000/- which he had taken as advance from the respondent No.2 and on the basis of said deed of agreement, the petitioner approached this Court for quashing of the FIR dated 17.6.2019. Therefore, Mr. Ahmed contended to allow this petition.

Whereas, Mr. Chakma, learned counsel for the informant submits that respondent No.2 has already received amount of Rs 4,00,000/- which she had advanced to the petitioner and that the respondent No. 2 has no objection in the event of quashing the FIR dated 17.6.2019.

Mr. B. Sarma, learned Addl. P.P. submits that since the parties have settled the matter amicably, amongst themselves, the State has no objection in the event of allowing the petition.

Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record and also perused the Deed of Agreement dated 9.11.2020. It appears that by virtue of Aforesaid deed of agreement, the petitioner and the respondent No. 2 have settled the entire dispute and the petitioner has returned a sum of Rs. 4,00,000/- which he had taken as advance, from respondent No.2. And further it appears from the Deed of Agreement that they are not willing to pursue the matter, since they have settled the same amicably.

Having considered the facts and circumstances on the record and also having considered the submission of learned Advocates of both sides and

further considering the fact that the parties have already settled the matter amicably and no longer willing to proceed with the case, this Court is of the view that end of justice will be meted out if the petition is allowed.

Accordingly, this petition stands allowed. The FIR of Dispur P. S. Case No.1906 /2019, u/s 420 /406 IPC, dtd. 17.6.2019 stands set aside and quashed.

In terms of above, this Criminal Petition stands disposed of.

JUDGE

Comparing Assistant