

GAHC010214522015



2024:GAU-AS:11799

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

Case No. : Crl.Pet./994/2015

MD. ABDUL HAQUE
S/O MD. SAMSUL HAQUE R/O VILL- GANDA PUKHURI P.S. DALGAON
DIST. DARRANG, ASSAM.

VERSUS

THE STATE OF ASSAM

2:REJIA BEGUM
W/O MD. NUSSEN ALI P.S. DALGAON DIST. DARRANG
ASSAM

Advocate for the Petitioner : MR.H DAS, MS.T SOM

Advocate for the Respondent : PP, ASSAM, MR.A S AHMED(R-2&3),MR.G DAS(R-2&3)

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 28.11.2024

None appears for the petitioner on call.

The present criminal petition is filed under section 482 Cr.P.C,
1974 for quashing the proceeding of GR Case No.3551/2014 including

the FIR in Dalgaon PS Case No.618/2014 under sections 376/313/34 IPC and the charge sheet filed in the aforesaid case.

From the record it is seen that the mother of the alleged rape victim lodged an FIR before the Officer in Charge of Dalgaon PS alleging that her daughter, aged about 18 years, who is slightly mentally retarded while was working in the house of Alhaz Sanaullah of Gandapukhuri village, his driver Md. Abdul Haque had raped her several days forcefully in his house as a result of which the victim became pregnant for two months.

The present petitioner Abdul Haque was the prime accused in the aforesaid case. Subsequently, the I/O filed the charge sheet. The statement of the victim was also recorded under section 164 Cr.P.C which also shows that she stated before the learned Magistrate that the accused Abdul Haque had forceful sexual intercourse with her and also aborted her pregnancy forcefully.

The present application is filed with the background that the mother of the victim i.e., the informant and the accused Abdul Haque had entered into an agreement whereby the mother had decided not to proceed with the case.

In the considered opinion of this court, though this court can allow compounding of the offence in exercise of power under section 482 Cr.P.C, however, present is not a fit case to exercise such power, firstly, for the reasons that the offence is heinous and serious in nature and secondly, the mother/informant cannot arrive at a compromise with an accused, on behalf of the victim and it is the victim only who has suffered.

In view of the aforesaid, the present criminal petition stands dismissed.

The LCR be returned back.

JUDGE

Comparing Assistant