

GAHC010271512024



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

Case No. : Crl.Rev.P./513/2024

MD. INAMUL HUDA AND ANR.
S/O LATE SAMSUL HUDA
R/O R.R.B. ROAD,
SOUTH HAIBARGAON
P.O. HAIBARGAON,
P.S. SADAR,
DIST. NAGAON, ASSAM
PIN-782002

2: MUSTT. SIRIN SULTANA
W/O MD. INAMUL HUDA
R/O R.R.B. ROAD

SOUTH HAIBARGAON
P.O. HAIBARGAON

P.S. SADAR

DIST. NAGAON
ASSAM
PIN-78200

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY THE PP, ASSAM

2:HAFIZUR RAHMAN
S/O LATE ASHRAF ALI
R/O R.R.B. ROAD

SOUTH HAIBARGAON
P.O. HAIBARGAON

P.S. NAGAONSADAR

DIST. NAGAON
ASSAM
PIN-78200

Advocate for the Petitioner : S AHMED,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 20-12-2024

20.12.2024

Heard Mr. S. Ahmed, the learned counsel for the petitioners and also heard Ms. S.H. Bora, the learned Additional Public Prosecutor appearing on behalf of the State respondent no.1.

2. This is a revision petition u/s 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 challenging the impugned order dated 03.12.2024 passed by the learned Chief Judicial Magistrate, Nagaon in PRC Case No. 1720 of 2022 u/s 341/294/506/500 and 34 IPC.

3. It is submitted by Mr. Ahmed, learned counsel for the petitioners that both the petitioners and the respondent no. 2 earlier approached this Court for quashing of the criminal proceeding in connection with PRC Case No. 1720 of 2022 as the matter was amicable settled between the parties and none of the parties are interested to proceed with the case. On the basis of which vide order dated 28.10.2024 this Court passed an order for filing an appropriate application before the learned Trial Court below and as the matter has been amicably

settled between the parties and also observed that Section 294 is the only non-compoundable offence but that can be compounded with the permission of the Court. In pursuant to that order both the parties have appeared before the learned CJM, Nagaon with an application for compromise between the parties and the learned CJM had observed that the matter has been amicably settled between the parties and also reflected the order of this Court that the parties were already directed to file a compromise petition as the matter has been amicably settled between the parties. Despite of that, the case was simply fixed for appearance only due to the fact that the case was earlier fixed for appearance without assigning any reason. Further it is submitted that the compromise petition which was filed before the learned Trial Court below is not rejected but no order towards the satisfaction is passed by the learned Trial Court below as simply directed the parties to appear before the Court as the case was fixed for appearance. Mr. Ahmed further submitted that the matter has already amicably settled between the parties and the petitioner no. 2 who is in bed ridden condition is not in a position to appear before the learned Trial Court below. Accordingly he prayed for a direction to the learned Trial Court below to dispose of the matter on compromise.

4. The learned Additional Public Prosecutor Ms. S.H. Bora has raised no objection and submitted that the earlier order passed by this Court dated 28.10.2024 in Criminal Petition No. 1199/2023 has already directed both the parties to approach before the learned Trial Court below and to compromise the matter as Section 294 is also compoundable with the leave of the Court.

5. In view of the observations made above, both the parties are accordingly directed to appear in the Court of learned Chief Judicial Magistrate, Nagaon with a fresh application for compromise and the petition may accordingly be disposed

of on compromise by the learned Trial Court below in pursuant to order passed in Criminal Petition No. 1199/2023 dated 28.10.2024.

6. With the above observations, this criminal revision petition stands disposed of.

JUDGE

Comparing Assistant