

GAHC020004892024



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

Case No. : Crl. Pet./38/2024

SHRI WENILO LOHE
S/O TISOVELHU LOHE
VILL- JESSAMI
DIST. UKHRUL
P/A- JAKHAMA TOWN
KOHIMA NAGALAND

VERSUS

THE STATE OF NAGALAND AND ANR
NAGALAND KOHIMA 2:MS APITOLI H. KINIMI
D/O HOKHETO SUMI
R/O ARAMILE
DIMAPUR NEAR DAROGAPATHAR
DIMAPUR NAGALAN

Advocate for the Petitioner : NULHUVOLU,

Advocate for the Respondent : P.P, NAGALAND,

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI
ORDER

05.11.2024

Heard Ms. Nulhuvolu, learned counsel for the accused/petitioner.

Also heard Mr. K. Angami, learned Public Prosecutor for the State and Mr. K. Kikhi, learned counsel for the respondent No. 2/informant.

2. By this application under Section 482 CrPC, the accused/petitioner is seeking quashing of the criminal proceedings lodged against the petitioner in G.R.125/2022 corresponding to Khuzama Police Station Case No. 006/2022 registered under Section 354(C) of Indian Penal Code.

3. The basis of filing the present quashing proceeding is the Compromise Deed which has subsequently entered between the respondent No. 2/informant and the accused/petitioner. The said Compromise Deed as enclosed as Annexure-C to the criminal petition is reproduced hereunder for ready reference:-

“DECLARATION

I Smiti. Apitoli H.Kinimi a present resident of Loyala Higher Secondary School Jakhama Kohima Nagaland hereby solemnly declare and affirm the following:-

1. That I have lodged a complaint against Mr. Wenilo Lohe which was registered as G.R. 125, Case No. 006/22 under Section 354(C) IPC at Kohima Khuzama Police Station Kohima, Nagaland.

2. That the present case is pertaining to the allegation of the above mentioned Section of IPC where the accused was arrested on 11.10.2022 against the F.I.R lodged by the complainant in the above referred case.

3. The complainant had expressed her willingness to withdraw the First Information Report (FIR) as the present accused was reported and apprehended only on suspicion however it was learnt that a case has already been registered against the accused person.

4. That at the spur of the moment and without much reasoning, I have informed the students body Jakhama. However, I had not intended to lodge the complaint against the accused. After reflecting and analyzing, it is for the best interest of me and the accused person that I will not press forward in connection to this case.

5. That since the complaint has been made only on mere suspicion without any concrete evidence, the complainant wanted to withdraw the written FIR considering the facts and statement of the accused person.

6: The Complainant stated that she is desirous to put an end to her complaint made against the accused person as she is satisfied with the statement made by accused person as such, reasoning the deep regret of the accused person who without any ill intent or rational mind acted against the law. The complainant also showed consideration upon the accused misstep while contemplating a chance to correction and reformation, keeping in mind not to repeat such blunt act in future.

7. That after both the parties deliberated the facts and circumstances of the case, it came to a logical conclusion that the best practices of human approached should prevail in resolving the contention and resolved the issues which have been in public domain due to miscommunication between the complainant and accused person. In witness whereof both the parties have signed the compromise deed on this day of 29th day of July 2024 at Kolima, Nagaland.

*Sd/-
(Complainant)
Witnesses*

*Sd/-
(Accused Person)*

”

4. Perusal of the aforesaid Compromise Deed indicates that both the parties have entered into an amicable settlement and pursuant to such settlement, the respondent No. 2/informant has already filed withdrawal letter on 29.07.2024 before the jurisdictional Chief Judicial Magistrate Court for not pursuing the case on the basis of the aforesaid amicable settlement.

5. Mr. K. Kikhi, learned counsel for the respondent No. 2/informant further submits that the matter has been resolved and

he has instructions from the respondent No.2/informant to withdraw the complaint lodged against the accused/petitioner to which he has already acted by filing appropriate withdrawal application before the jurisdictional Chief Judicial Magistrate Court.

6. In view of the aforesaid endorsement and the Compromise Deed as referred above, this Court is of the considered opinion that in view of the compromise arrived between the respondent No. 2/informant and the accused/petitioner, further continuation of the criminal proceedings against the accused/petitioner shall not be justified.

7. Accordingly, the criminal proceedings being G.R. No. 125/2022 corresponding to Khuzama Police Station Case No. 006/2022 registered under Section 354(C) of the Indian Penal Code and Charge sheet No. 006/2023 dated 07.07.2023 stands set aside and quashed.

Disposed of.

Send back the LCR forthwith.

JUDGE

Sd/-

JUDGE

Comparing Assistant