GAHC010204032018

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

Case No. : Crl.Pet./957/2018

MUKUT RAJBONGSHI AND ANR.
S/O- BIREN RAJBONGSHI, R/O- LAUDAL, BARSARKUCHI, P.O- AND P.S- NALBARI, DIST- NALBARI, ASSAM, PIN- 781335

2: PANCHAMI CHETIA
W/O- SRI MUKUT RAJBONGSHI
R/O- LAUDAL
BARSARKUCHI
P.O AND P.S- NALBARI
DIST- NALBARI
ASSAM
PIN- 78133

VERSUS

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

2:PRANJAL CHETIA
S/O- SUNIT CHETIA
R/O- PUB SARANIA
BYE LANE NO. 6
P.S- CHANDMARI
DIST- KAMRUP(M)
ASSA

Advocate for the Petitioner : MR C BARUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MIR ALFAZ ALI

ORDER

Date : 07-12-2020

Heard learned counsel, Mr. B. Baruah, for the petitioners. Also heard learned counsel Mr. A. Bhattacharjee for the respondent no. 2 and the learned Addl. PP, Assam.

2) By this application under section 482 CrPC, the petitioner prays for quashing the proceeding in Chandmari P.S. Case 144/2012 registered under section 366 (A) IPC, corresponding to Sessions Case No. 175/2016 under section 366 (A).

3) The petition has been filed jointly by the alleged accused and the victim on the ground of compromise and amicable settlement between them.

4) In the FIR lodged by the alleged victim, it was alleged that the petitioner no.1 kidnapped the petitioner no.2. It was stated by the petitioner no. 2 on basis that the petitioner no. 1 never kidnapped him rather due to their friendship she went to his house out of on her own will, and the petitioner no. 1 never induced her or forced her to go to his house.

5) The report of the Additional Session Judge and the statement of the petitioner no. 2, the alleged victim shows that the petitioner no. 1 & 2 were married and they have been living peacefully as husband and wife. It is also evident from the report of the Additional Session Judge and from the statement of petitioner no.2, that she was major of 21 years of age when her statement was recorded. Though, the case was registered under section 366 (A) IPC the fact reveals from the petition and the document filed therewith shows that no offence under section 366 (A) was made out.

6) This application has been filed for quashing the proceeding on the basis of compromise.

7) Having considered, the facts and circumstances in the present case as indicated above, more particularly, the deposition of the alleged victim, recorded by the Additional Session Judge, this Court is of the view that no fruitful purpose would be served by allowing this criminal proceeding to continue except causing hardship and unnecessary harassment to the petitioners in as much as, in view of the stand taken by the victim-petitioner no. 2, it is apparent that the possibility of this proceeding terminating in conviction is very bleak and in all probability, this proceeding may take the character of lame prosecution.

8) Therefore, having regard to the scope of interference with the criminal proceeding under section 482 CrPC on the basis of compromise and considering the facts and circumstances of the case, this Court is of the view that the proceeding in Chandmari P.S.

Case 144/2012 deserves for quashed for ends of justice.

9) Accordingly, the FIR as well as the Chandmari P.S. Case 144/2012 registered under section 366 (A) IPC, corresponding to Sessions Case No. 175/2016 under section 366 (A) pending before the Court learned Additional Session Judge (FTC) No. 4, Kamrup and any other procedure incidental thereto are hereby quashed.

10) The criminal petition stands disposed of accordingly.

JUDGE

Comparing Assistant