

IN THE GAUHATI HIGH COURT
(The High Court of Assam: Nagaland: Mizoram and Arunachal Pradesh)

ITANAGAR PERMANENT BENCH

Crl.Petn.20(AP)2018

Smti.Yowa Yeli @ Tana & Anr.

.....Petitioner

-Versus-

The State of Arunachal Pradesh.

.....Respondent.

By Advocates:

For the Petitioner : Mr. D. Kamduk

For the respondent : Mr. K. Tado, P.P for the State of A.P

BEFORE
THE HON'BLE MR. JUSTICE A M BUJOR BARUA

Date of hearing &
Date of judgement : **21.06.2018**

JUDGEMENT & ORDER

Heard Mr. D. Kamduk, learned counsel for the petitioner as well as Mr. K. Tado, learned P.P. for the State of Arunachal Pradesh.

2. This application under Section 482 Cr.P.C is a joint application filed by the informant and the accused, stating that the dispute related to the alleged incident in the FIR had been amicably settled between them and both the informant, as well as the accused, do not want to pursue with the matter any further.

3. FIR dated 02.07.2013 was lodged by the petitioner No. 1 against the petitioner No. 2 *inter-alia* alleging that on the night of 29.06.2013 when both of them were returning home after attending a party thrown by winning candidate in the ZPM election, the petitioner No. 2 had outraged her modesty. Consequently, Itanagar Women P.S Case No. 09/13 was registered under Section 354(A) (i) (ii) of the IPC.

4. In the statement under Section 161 before the Police the petitioner No. 1 had reiterated the allegations made in the FIR. In the meantime based on the investigation, a charge sheet dated 42/2014 was submitted in the Court of learned Chief Judicial Magistrate, Yupia, Papum Pare District, Arunachal Pradesh, whereupon although in the meantime the trial had started but the same could not proceed in the desired manner due to lack of witnesses to testify the allegation. It is stated that in the meantime both the informant/ petitioner No. 1 and the accused/petitioner No. 2 had a change of heart and are now agreeable to forget the incident which may or may not have happened and both of them desire that the criminal proceeding initiated pursuant to the charge sheet No. 42/2014 resulting in Itanagar Women P.S Case No. 09/13 be brought to an end.

5. The learned counsel for the petitioners relies upon the decision of Supreme Court rendered in ***Narendra Singh Vs. State of Punjab*** reported in ***2014 6 SCC 466*** wherein, paragraph 29.2 it has been provided as under that:

" 29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceeding is filed, the guiding factor in such cases would be to secure:

- (i) Ends of justice , or*
- (ii) To prevent abuse of the process of any Court.*

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives."

6. In the instant case the petitioner No. 1/informant is agreeable to forget about the incident and the accused/petitioner No. 2 is also agreeable to maintain a good relation with the petitioner No. 1.

7. Therefore, it can be construed that if the present criminal proceeding against the accused petitioner No. 2 is quashed the end of justice will be better served, rather than allowing the criminal trial to continue.

8. In view of the above the proceedings initiated pursuant to charge sheet No. 42/14 under Section 354(A)(i)(ii)/34 IPC dated 20.06.2014 corresponding to the Itanagar Women Police No. 09/13 resulting in GR Case No. 251/2013 in the Court of CJM, Yupia is accordingly quashed.

JUDGE

Victoria