



**Crl. M. C. No. 1 of 2017**

Chogyal Sherpa vs. Mingma Sherpa & Another

**BEFORE**

**HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE**

03. 28-04-2017 Present : Mr. Umesh Ranpal, Advocate with Mrs. Sashi Rai, Ms. Kesang Choden Tamang, Ms. Kimti Gurung and Ms. Sanju Gupta, Advocates for the Petitioner.

Petitioner in person.

Ms. Aruna Chettri, Advocate (Legal Aid Counsel) for Respondent No.1.

Respondent No.1 in person.

Mr. Karma Thinaly Namgyal, Additional Public Prosecutor with Mrs. Pollin Rai, Assistant Public Prosecutor for the State-Respondent No.2.

-----

1. It is submitted by Learned Counsel for the Petitioner that the dispute between the Complainant (Respondent No.1 herein) and the Accused Person (Petitioner herein) arose in fact out of a family dispute and has been amicably settled, hence, the prayers as set out in the Petition.

2. The facts briefly stated are that the Complainant/ Respondent No.1 is the paternal uncle of the Accused person/ Petitioner. For the purposes of obtaining a Trade Licence for Travel and Ticketing Agents, the Accused person forged the signature of his late grandfather, Lakpa Lama Sherpa. There was already a simmering discontent between the parties with regard to 5½ storied building located at Balwakhani, Gangtok, which had not been partitioned between them. In the light of the above circumstances, the Complainant on coming to learn of the wrongful act of the Accused person, lodged a Complaint before the Sadar Police Station, Gangtok, East Sikkim, being FIR bearing No.167/2014 dated 05-06-2014 under Sections 468/471 of the Indian Penal Code, 1860. On completion of investigation, Charge-



sheet was submitted before the Court of the Learned Chief Judicial Magistrate, East and North Sikkim, at Gangtok, where the matter was registered as General Register Case No.60 of 2015 and Charge framed against the Accused person under Sections 468/471/420 of the Indian Penal Code, 1860. That, now since the matter has been amicably settled between the parties and since it initially arose out of a family dispute, this Court may quash the FIR and the General Register Case above-mentioned as the offences are non-compoundable.

3. To buttress his submission, Learned Counsel has placed reliance on the decisions of *Shiji alias Pappu and Others vs. Radhika and Another* : (2011) 10 SCC 705 and *Gian Singh vs. State of Punjab and Another* : (2012) 10 SCC 303.

4. Learned Additional Public Prosecutor while referring to the decision of *Gian Singh (supra)* submits that the Court has to be circumspect while allowing quashing of FIR under Section 482 of the Code of Criminal Procedure, 1973, but fairly admits that this dispute does not come within the parameters laid down in *Gian Singh's* case.

5. Having taken consideration of the submissions of Learned Counsel the decisions relied upon, the facts involved in the matter and the Compromise Petition drawn up between the parties, I am of the considered opinion that since the parties have compromised the matter no fruitful purpose would be served by allowing the matter to go into the trial. Therefore, to secure the ends of justice, the proceedings may be truncated as the Respondent No.1, who is present in the Court room, submits that he has settled the matter of his own accord without any duress from any quarter and considering that the Accused is his nephew, who is remorseful and deserves an opportunity to improve himself.



6. Accordingly, Application under Section 482 of the Code of Criminal Procedure, 1973, is allowed. The FIR bearing No.167/2014 dated 05-06-2014 registered with Sadar Police Station, Gangtok, East Sikkim, is hereby quashed and consequently, the General Register Case No.60 of 2015 before the Learned Chief Judicial Magistrate, East and North Sikkim, at Gangtok, is also quashed.

7. A copy of this Order be sent to the Learned Chief Judicial Magistrate, East and North Sikkim, at Gangtok, for information.

**Judge**  
28-04-2017

Index : ~~Yes~~/No

Internet : Yes/~~No~~

ds