

GAHC010147012019



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

Case No. : Crl.Pet. 755/2019

1:BISARAT ALI
S/O- AZAHAR ALI, VILL- BARJANA PART-I, P.O- BARJANA, P.S- JOGIGHOPA,
DIST- BONGAIGAON, ASSAM

VERSUS

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

2:MUSSTT SOWAGI KHATUN
W/O- BISARAT ALI
VILL- BARJANA PART-I
P.O- BARJANA
P.S- JOGIGHOPA
DIST- BONGAIGAON
ASSAM
PIN- 78338

Advocate for the Petitioner : MR. A M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE RUMI KUMARI PHUKAN

ORDER

Date : 28-06-2019

Heard learned counsel for the petitioner and Mr. D. Das, learned Additional PP. for the respondent No.1 as well as the learned counsel appearing on and behalf of respondent No.2/informant.

By way of this application, the petitioner, who has been arrayed as one of the accused in NGR Case No.389/2014 under Section 498(A) IPC arising out of Jogighopa PS Case No.129/2014, pending before the court of learned SDJM(M), North Salmara, Abhayapuri has sought for quashing of the said proceeding, on the ground that case that was filed by the wife/respondent No.2 has been settled and they are now living as husband and wife and, as such, his wife is also not interested to proceed with the case.

It is submitted by the petitioner that in fact the case is compromised in the year 2014 immediately after the filing of the FIR, but still another FIR has been filed by his second wife and the learned trial court has also taken cognizance of the offence.

Today, learned counsel for the respondent No.2/informant has made a submission supporting the contentions raised in the present petition that the informant has no more grievances against the accused-petitioner and she is not interested to proceed with the case as they are now residing together along with two children peacefully.

The informant/respondent No.2 has also sworn an affidavit and filed his compromise deed vide the Annexures- 3 & 5.

Having heard the submissions of the learned counsel for the parties and on perusal of the documents annexed, it is discernible that the matter relating to matrimonial dispute has already been settled and the respondent/wife has no more grievances against the present accused-petitioner. That being so, further continuance of the proceedings of the case is nothing but a futile exercise and there is no chance of conviction of the accused-petitioner even if the proceedings is allowed to proceed.

A compromise of matrimonial dispute is envisaged to restore peace in the society even if such an offence is not compoundable.

In the given circumstances, it is a fit case to grant settlement of the dispute between the parties.

Accordingly, the proceedings of NGR Case No.389/2014 u/s 498(A) IPC (corresponding to Jogighopa PS Case No.129/2014) pending before the court of learned SDJM(M), North Salmara, Abhayapuri, Bongaigaon, is hereby set aside and quashed.

Criminal petition stands disposed of in above terms.

JUDGE

Comparing Assistant