

GAHC040004352020



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

**Case No. : Crl.Petn. 24/2020**

1:Hina Nabam  
S/O LT. TAI NABAM, PERMANENT RESIDENT OF VILLAGE KADASO, PO/PS  
PAKKE KESSANG, DIST. PAKKE KESSANG, AP

2: RALONG REBE  
S/O SHRI BIDA REBE  
RESIDENT OF VILLAGE REBE  
PO/PS CHAYANG TAJO  
DIST. EAST KAMENG  
AP.

3: TAKE KEYANG  
S/O LT. DAMDING KEYANG  
RESIDENT OF KEYANG  
PO/PS CHAYANG TAJO  
DISTRICT EAST KAMENG  
AP.

4: PACHA REBE  
S/O RATE REVE  
RESIDENT OF REBE  
PO/PS CHAYANG TAJO  
DISTRICT EAST KAMENG  
AP

VERSUS

1:THE STATE OF AP  
THROUGH THE PUBLIC PROSECUTOR, AP.

**Advocate for the Petitioner : Dicky Panging**

**Advocate for the Respondent : P P of AP**

**BEFORE  
HONBLE MR. JUSTICE SONGKHUPCHUNG SERTO**

**ORDER**

**Date : 30-06-2020**

Heard Ms. D. Tamuk, learned counsel for the petitioners and also heard Ms. L. Hage, learned Addl. P.P who appears on behalf of the State of Arunachal Pradesh.

**2.** This is an application under section 482 of Cr. PC jointly filed by the complainant (the victim) and the accused persons in the FIR Case No. 17/2017 (Naharlagun P.S) registered under section 324/342/34 of IPC which is now registered as G.R Case No.73/2017 and pending before the learned CJM, Yupia.

**3.** The brief facts and circumstances which led to the filing of this application are stated here below;

On 30.01.2017 at around 08:30 P.M., the petitioners No. 2, 3 & 4 went to have some drink in a bar namely, LT Hangout Bar at Sector-A, Naharlagun. While they were having their drink, the petitioner No. 1 who happen to be security guard of the bar tried to persuade them to leave the bar as it was time for closing. The three petitioners (petitioners No. 2, 3 & 4) having been a little drunk by then resisted the persuasion of the petitioner No. 1 and in the process some altercation and some scuffle took place and during that the petitioner No. 1 suffered some injuries which later on the Doctor who examined him certified to be minor and simple injuries. Being aggrieved by the injuries suffered, the petitioner No.1 lodged a complaint in the Naharlagun P.S who registered the FIR case against the petitioners No.2, 3 & 4. After the investigation was over, the I.O submitted the charge-sheet before the learned CJM, Yupia charging the petitioners No. 2, 3 & 4 that they have assaulted the petitioner No.1 with the backside of a dao which caused minor injuries. Therefore, they can be tried for the offences punishable under section-324/342/34 of IPC. On receipt of the charge-sheet, the learned CJM, Yupia took cognizance of the offences and registered the G.R Case No. 73/2017 and thereafter, framed the charge under the same sections of IPC mentioned above. While the trial is pending at the stage of PW hearing, the parties came to a compromise settlement and in pursuance of the same, they are before this Court by way of filing the instant petition praying for quashing and setting aside the charge-sheet and proceeding of the G.R case No. 73/2017.

**4.** It is submitted by Ms. D. Tamuk, learned counsel for the petitioners that the petitioners No. 1 & 2 are relatives and the scuffle or exchange of blows had taken place in their state of drunkenness. Therefore, after realizing their mistake they have come to a compromise settlement, as such, the trial, even if, it is proceeded would serve no purpose.

**5.** Ms. L. Hage, learned Addl. P.P. submitted that the trial is at PW stage and no progress has been made till today.

**6.** Considering the facts and circumstances under which the scuffle or assault took place and the development that has taken place between the parties, this Court is of the view that it would be a lame prosecution even if the trial is to go on. In that case, the time of the Court would be wasted without serving any purpose and it would also amount to abuse of Court's proceedings. Further, offences charges against the accused are minor offences.

In view of the reasons given, the prayer of the petitioners is allowed. Accordingly, the charge-sheet of the case along the G.R case are quashed and set aside.

Criminal petition stands disposed.

Return the C.D

**JUDGE**

**Comparing Assistant**