



THE HIGH COURT OF SIKKIM: GANGTOK
(Criminal Jurisdiction)

SINGLE BENCH: HON’BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE

Crl. M.C. No. 05 of 2022

1.

Deven Hang Limboo,
Son of Shri Ram Psd. Subba,
Aged about 32 years,
Resident of Sombaria, West Sikkim.
At present near District Court,
Upper Sichey, Gangtok,
P.O. & P.S. Gangtok,
East Sikkim- 737101.
2.

Deepshika Rai,
Wife of Deven Hang Limboo,
Aged about 25 years,
Resident of Upper Sichey, Gangtok,
P.O. & P.S. Gangtok,
East Sikkim- 737101.
3.

Mr. Bigen Rai,
Son of Shri Sukraj Rai,
Aged about 27 years old,
Resident of Bagey Khola,
West Pendam,
Sikkim.
At present Upper Sichey, near Hidden Forest,
P.O. & P.S. Gangtok,
East Sikkim- 737101.
4.

Mr. Dipen Rai,
Son of Shri H.K. Rai,
Aged about 35 years old,
Resident of Sichey, Barpipal,
Gangtok – 737101.

..... **Petitioners**

Versus

State of Sikkim

..... **Respondent**



**An Application under Section 482 of the
Code of Criminal Procedure, 1973**

Appearance:

Mr. M.N. Dhungel, Advocate.

Mr. Yadev Sharma, Additional Public Prosecutor and Mr. Sujan Sunwar, Assistant Public Prosecutor for the respondent.

ORDER (ORAL)
26.08.2022

Bhaskar Raj Pradhan, J.

1. Heard Mr. M.N. Dhungel, learned counsel for the petitioners, who are the complainant and the three accused persons. He seeks the quashing of criminal proceedings pending against the petitioners no.1, 2 and 3 before the court of the learned Judicial Magistrate, East Sikkim at Gangtok, being G.R. Case No. 88 of 2021 (*State of Sikkim vs. Deven Hang Limboo and others*) and the FIR bearing Sadar Police Station Case no. 175 of 2020 dated 31.10.2020 on the basis of a Compromomise Deed they have entered on 03.10.2021.

2. The learned Additional Public Prosecutor appearing for the State does not object to the compromise and the quashing of the criminal proceedings and the FIR on the



grounds that the trial is at an early stage and the offence involved is not heinous.

3. Admittedly, the FIR was filed on 31.10.2020. The Compromise Deed is dated 03.10.2021. Charges under section 374 read with section 34 of the Indian Penal Code, 1860 was framed by the learned Trial Court on 09.12.2021. After which, only one witness has been examined. Except Mrs. Deepshika Rai, all the petitioners are present. It is submitted by learned counsel for the petitioners that she is ill and therefore unable to appear before this Court. Her husband is petitioner no.1 and is present in the Court. He states that she has willingly signed on the Compromise Deed.

4. The petitioners present were interviewed and it was found that the Compromise Deed is genuine and made on their own free will. The complainant petitioner is presently 36 years old and is willing to forgive and forget and let bygones be bygones.

5. In view of the compromise and considering the nature and gravity of the offence, this Court is of the opinion that they be allowed to maintain harmonious relationship with each other and continue with their life.

6. Accordingly, the Compromise Deed is taken on record and the criminal proceedings in G.R. Case No. 88 of



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2021 (*State of Sikkim vs. Deven Hang Limboo and others*) is hereby quashed as also the FIR bearing No. 175 of 2020 dated 31.10.2020.

7. The petition is allowed.

(Bhaskar Raj Pradhan)
Judge

Approved for reporting : **Yes/No**
Internet : **Yes/No**
bp