



THE HIGH COURT OF SIKKIM: GANGTOK
(Criminal Jurisdiction)

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

Crl. M.C. No. 07 of 2022

- 1. Mr. Gyaltsen Dadul Bhutia,
Son of Late Top Tsh. Bhutia,
Aged about 20 years,
Resident of Upper Yangtey, Tikutam,
P.O. & P.S. Gyalshing, West Sikkim.
- 2. Mr. Sonam Dadul Bhutia,
Son of Late Top Tsh. Bhutia,
Resident of Upper Yangtey, Tikutam,
P.O. & P.S. Gyalshing, West Sikkim.
- 3. Juvenile is represented through his father
Shri Gyatso Bhutia, aged about 46 years,
S/o Nidup Bhutia, Residence of Upper
Yangtey, Tikutam, P.O. & P.S. Gyalshing,
West Sikkim.
- 4. Mr. Mingma Bhutia,
Son of Late Top Jay Bhutia,
Aged about 39 years,
Resident of Upper Yangtey,
Tikutam, P.O. & P.S. Gyalshing,
West Sikkim.

..... **Petitioners**

Versus

- 1. State of Sikkim,
Through Station House Officer,
Gyalshing, Police Station,
Gyalshing-737 111.

..... **Respondent**

**Application under section 482 of the Code of Criminal Procedure,
1973.**

*(Praying for quashing the First Information Report No.18/2021 dated 11.06.2021 registered under section 188/324/34 of the Indian Penal Code, 1860 read with section 34 of Disaster Management Act, 2005 registered at Gyalshing Police Station, West Sikkim and also for quashing of the G.R. Case No.11 of 2022 **State of Sikkim vs. Gyaltsen Dadul Bhutia & Ors.** arising out of the said FIR which is pending for disposal before the Court of the Learned Judicial Magistrate, West Sikkim against petitioner nos. 1 and 2.*



Appearance:

Ms. Mon Maya Subba, Advocate for the Petitioners.

Mr. S.K. Chettri, Additional Public Prosecutor for the Respondent.

Date of hearing : 20.10.2022

ORDER (O R A L)

Bhaskar Raj Pradhan, J.

1. This is a petition under section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) for quashing of First Information Report (FIR) No.18/2021 dated 11.06.2021 registered under section 324 read with section 34 of the Indian Penal Code, 1860 (IPC) lodged at Gyalshing West Sikkim against the petitioner Nos.1, 2 and a juvenile represented by his father as petitioner no. 3 on a complaint by petitioner no.4. The FIR alleged that the petitioner nos. 1, 2 and a juvenile had physically assaulted him by using wooden/bamboo stick. It was alleged by the petitioner no.4 that when he tried to convey to the juvenile who was a COVID-19 positive patient that he should not be roaming in the locality violating the COVID-19 protocol he was assaulted. Based on the above information the investigation led to the filing of the charge sheet and ultimately the learned Chief Judicial Magistrate framed a singular charge under section 324 read with section 34 of the IPC against



the petitioner nos.1 and 2 on 25.04.2022. The order dated 06.04.2022 passed by the learned Chief Judicial Magistrate records that proceeding against the juvenile may be filed before the Juvenile Justice Board, Gyalshing.

2. It is submitted that the witnesses are yet to be examined. The learned counsel for the petitioners draws attention of this court to the deed of compromise entered between the four petitioners. The compromise deed records that the parties have amicably settled all their differences. It is the case of the petitioners that the juvenile was about 17 years at the time of the alleged incident. Petitioner nos. 1, 2 and the juvenile are cousins and related to the petitioner no.4, the complainant. It is asserted that they are also co-villagers. The petition also avers that the petitioner no.2 is a student of Tadong Degree College and the juvenile is a school student. It is submitted that none of the petitioners are habitual offenders and as such this is a fit case in which this Court may exercise its power under section 482 Cr.P.C. to quash the FIR and the related proceedings in view of the compromise deed. Considered the submissions made by the learned counsel for the petitioners.

3. It is noticed that the injury sustained by the petitioner no.4 is a simple injury. Considering the fact that the



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parties have decided to amicably settle their differences, this Court is of the view that justice would be better served if the parties are allowed to bury their differences and get along with their respective lives. The FIR No.18/2021 dated 11.06.2021 along with G.R. Case No.11 of 2022 titled ***State of Sikkim vs. Gyaltsen Dadul Bhutia & Ors.*** are hereby quashed. The petition is allowed and disposed of.

(Bhaskar Raj Pradhan)
Judge

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