

GAHC010171292022



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

Case No. : Crl.Pet./861/2022

NABARUNA THAKURIA AND 4 ORS
W/O BANAMALI THAKURIA
R/O KRISHNAN NAGAR,
SANKARTILA, JAPARIGOG, GUWAHATI-781005, P.O. JAPARIGOG, P.S.
DISPUR,
DIST. KAMRUP (M), ASSAM

2: BANAMALI THAKURIA
SON OF DIGAMBAR THAKURIA
R/O KRISHNAN NAGAR

SANKARTILA
JAPARIGOG
GUWAHATI-781005
P.O. JAPARIGOG
P.S. DISPUR

DIST. KAMRUP (M)
ASSAM

3: DIGAMBAR THAKURIA
SON OF HARINDRA THAKURIA
R/O KRISHNAN NAGAR

SANKARTILA
JAPARIGOG
GUWAHATI-781005
P.O. JAPARIGOG
P.S. DISPUR

DIST. KAMRUP (M)
ASSAM

4: ANJANA THAKURIA

W/O DIGAMBAR THAKURIA
R/O KRISHNAN NAGAR

SANKARTILA
JAPARIGOG
GUWAHATI-781005
P.O. JAPARIGOG
P.S. DISPUR

DIST. KAMRUP (M)
ASSAM

5: DIPAMONI THAKURIA
D/O DIGAMBAR THAKURIA
R/O KRISHNAN NAGAR

SANKARTILA
JAPARIGOG
GUWAHATI-781005
P.O. JAPARIGOG
P.S. DISPUR

DIST. KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR N AHMED

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR**

ORDER

Date : 31.08.2022

Heard Mr. N Ahmed, learned counsel for the petitioner. Also heard Ms. SH Borah, learned Additional Public Prosecutor appearing for the State respondent No.1 .

This joint petition by the informant/petitioner No.1 and the petitioners Nos. 2, 3, 4 and 5 is

filed under Section 482/401 Cr.P.C. read with Article 227 of the Constitution of India praying for quashing of PRC Case No. 558 of 2020 arising out of All Women PS Case No. 153/2019 pending in the court of Sub-Divisional Judicial Magistrate (M), Kamrup, Metro, Assam on the ground of amicable settlement between the parties.

Mr. N Ahmed, learned counsel appearing for the petitioners, submitted that due to some misunderstanding the petitioner No.1/ informant filed the F.I.R. against the petitioners Nos. 2, 3, 4 and 5 and now by a Mutual Agreement executed on 20.08.2022 both the parties agreed to settle the case on compromise. Mr. Ahmed further submitted that to secure the ends of justice and to endure the cordial relationship between the two families it is desirable that the proceeding be quashed.

Ms. SH Borah, learned Additional Public Prosecutor appearing for the state respondent, submitted that after completion of investigation police laid a charge-sheet under Section 498A of the IPC against the petitioners No.2, 3, 4 and 5 respectively. However, in view of the Deed of Agreement for Mutual Settlement dated 28.10.2022, she has no objection to the prayer made by the petitioners.

An F.I.R. was lodged on 28.10.2019 wherein the informant /petitioner No.1 stated that the petitioner Nos. 2, 3, 4 and 5 committed physical and mental torture on her and her husband hit her with lathi.

Having considered the above submissions made by the learned counsel of both sides and the joint averments made by both sides and further, the 'Mutual Agreement', dated 20.08.2022, the aforesaid criminal proceeding may be quashed as prayed.

Accordingly, the petition stands allowed quashing the proceeding in PRC Case No. 558 of 2020 arising out of All Women PS Case No. 153/2019 pending in the court of Sub-Divisional Judicial Magistrate (M), Kamrup, Metro, Assam as prayed.

The criminal petition stands disposed of accordingly.

JUDGE

Comparing Assistant