

GAHC020005322023



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

Case No. : Crl. Pet./28/2023

SHRI TEMJENSUBA LONGKUMER
SON OF LT. SHRI TIAYANGER,
VILLAGE CHAKPA VILLAGE,
MOKOKCHUNG, NAGALAND

VERSUS

THE STATE OF NAGALAND AND ANR.
NAGALAND 2:XXXXXX
XXXXXX
DIMAPUR
NAGALAN

Advocate for the Petitioner : SENTIYANGER

Advocate for the Respondent : P.P, NAGALAND

**BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 29.02.2024

Heard Mr. Sentianger, learned counsel for the petitioner. Also heard Mr. Kevi Angami, learned P.p. Nagaland and Mr. Supongwati, learned counsel for respondent No.2.

The petitioner has filed this application under section 482 Cr.PC with prayer for quashing the FIR dated 23/3/2022 as well as Chargesheet No.02/2022 dated 7/9/2022 in GR 28/2022 in connection with Mokokchung Women PS Case No.001/2022 u/s 354/376/506 IPC read with 66 E IT Act.

In the FIR it is stated that the petitioner asked the respondent No.2 to meet her at Mokokchung. The respondent No.2/informant in good faith agreed to meet him as she got acquainted with the petitioner through facebook. Thereafter, the petitioner, at gun point took the informant to his store and had committed sexual assault on the informant. The petitioner then clicked obscene photographs and threatened to upload the picture in the social media platform. The respondent No.2/informant could not muster enough courage to inform her family as well as law enforcing agency about the incident. Finally, she lodged the FIR. It is submitted by the learned counsel for the petitioner that the informant did not draft the FIR but only affixed her signature on the FIR.

The respondent No.2/informant has also filed an affidavit. It is submitted that the respondent No.2/informant has no objection if the FIR and the entire criminal proceeding based on the FIR is set aside and quashed. Both the parties i.e the petitioner and the respondents have reconciled and they are in live-in relationship with the blessings of their respective families.

I have heard the learned P.P.

I have considered the peculiar facts and circumstances of the case. I have also considered the submission of the learned counsel for the petitioner that the informant was

forced to lodge the FIR by her earlier fiancée. It is also submitted on behalf of the petitioner that the informant was earlier engaged to another person but at the same time it is admitted that they were in relationship and at present both the petitioner and the respondent No.2/informant are staying together. An additional affidavit has also been filed on behalf of the petitioner. Through the additional affidavit, the petitioner has submitted that at present the respondent No.2/informant is pregnant and the petitioner is the father of the child. The petitioner is also taking care of the medical treatment of the informant.

I have also considered the affidavit on behalf of the respondent No.2/informant wherein it is submitted that the respondent No.2 and the petitioner is starting a family together. The petitioner has also relied on the decision passed by this Court in the case of Jahirul Maulana @ Jahirul Islam vs State of Assam & Ors reported in 2016 4 GLT 460 wherein it has been that :-

"9. The victim has become an adult in the meantime. She has been happily residing with the petitioner as his legally married wife with a child in her lap. Under the given circumstances, the ends of justice will demand that they should be left at their will and their otherwise happily married life should not be allowed to be disturbed by the interfering clouds of litigations looming over their heads. In that view of the matter, since chances of conviction in the case is bleak in view of the compromise between the parties and marriage between the petitioner and the opposite party No.3, no useful purpose shall be served

by dragging them to Court anymore and to compel the witnesses to come at the expense of the valuable judicial time.”

After considering the submissions it is apparent that possibility of conviction appears to be bleak. Both the parties are staying together and the respondent No.2/informant is pregnant and she has started a family with the petitioner. Further proceeding will indeed be an abuse of the process of the Court.

Considering all these aspects I deem it proper to quash the FIR dated 23/3/2022 as well as Chargesheet No.02/2022 dated 7/9/2022 and proceedings of GR 28/2022 connection with Mokokchung Women PS Case No.001/2022 u/s 354/376/506 IPC read with 66 E IT Act.

**Sd/-
JUDGE**

Comparing Assistant