
(2025) 08 GAU CK 0340
In the Gauhati High Court
Case No : Crl.Pet. Of 1094 Of 2019

Abdur Razzaqu @ Abdur Razzak @ Rinku And Anr	APPELLANT
Vs	
State Of Assam And Anr	RESPONDENT

Date of Decision : 19-08-2025

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 120(B), 366, 384

Citation : (2025) 08 GAU CK 0340

Hon'ble Judges : Shamima Jahan, J

Bench : Single Bench

Advocate : M A Sheikh, M Hossain, F Intaz, K U Ahmed, Nazir Ahmed

Final Decision : Disposed Of

Judgement

Shamima Jahan, J

1. Heard Mr. M. Hussain, learned counsel for the petitioner and Mr. K. U. Ahmed, learned counsel for the respondent No.2. Also heard Mr. K. K. Das, learned Additional Public Prosecutor, Assam for the State/respondent No.1.

2. This petition under Section 482 of the Cr.P.C. has been filed praying for quashing of the Charge-sheet No.165/2015 under Sections 120B/366/384 of the IPC corresponding to G.R. Case No.3484/2014 in connection with Gauripur P.S. Case No.656/2014 pending in the Court of Sub-Divisional Judicial Magistrate (S), Dhubri.

3. The F.I.R. dated 18.08.2014 lodged by the father of the victim states inter-alia that his daughter while returning from her College by a bus, the petitioner along with two other boys kidnapped her, took her to a particular road, confined her there and by assaulting her and by showing a pistol made her sign two blank non-judicial stamp papers by further threatening her not to disclose the facts to anyone. However, the father stated that the victim told him the incident and he went and confronted the petitioner and his family members who requested them

not to take any action and that they would compromise the matter. On their assurance the father waited. However, the petitioner did not return the papers as they promised and it was further stated in the F.I.R. that the accused persons, which included the petitioner, threatened them that they would kidnap the victim and kill her.

4. On receipt of the said ejahar the police registered the case under Sections 120B/366/384 of the IPC and investigated the case.

5. It is stated at the Bar that after the registration of the said F.I.R. both the parties had given a written submission that the case has been compromised but the same was not considered by the Investigating Officer and the Investigating Officer after completion of the investigation submitted charge-sheet vide Charge-sheet No.165/2015 on 30. 04.2015. It is this charge-sheet that the petitioner has challenged before this Court on the ground of settlement.

6. The learned counsel appearing for the petitioner submits that both the petitioner No.1 and the victim i.e. the daughter of the informant had married and now they have a child and that both the families have entered into a settlement.

7. The learned counsel appearing for the respondent No.2 i.e. the father of the victim had also filed an additional affidavit stating therein that the petitioner No.1 and the victim had a love relationship and that they signed a marriage agreement which the victim did in her own volition. However, the victim did not disclose the matter to her father and the father lodged the case on non-information. He further submits that when the father came to know about the actual fact, he requested the police to close the case as the petitioner No.1 and the victim were living a conjugal life peacefully. The learned counsel also submits that the informant had sworn an affidavit before the Notary Public on 31.08.2019 whereby it is stated that both the parties have married and would not continue the case. It is also submitted that in spite of the application before the Police, the Police submitted the Charge-sheet against the petitioner. In the said additional affidavit, the affidavit sworn by the father of the victim was also annexed therewith.

8. I have heard the learned counsel for the parties and have perused the records.

9. It is a settled position of law that settlement in respect of cases which are related to personal issues can be compromised and settled amongst the parties since the same has no affect on the society at large. Moreover, in the instant case, it is seen, as is reflected by the affidavit filed by the informant, that the daughter of the informant not having informed her father about her marriage with the petitioner No.1, the father lodged the F.I.R. It can so happen because the daughter i.e. the victim would be scared to tell the fact to her father.

10. In *Gian Singh Vs. State of Punjab* and another reported in (2012) 10 SCC 303 the Hon'ble Supreme Court has observed that in offences where the settlement has been entered into between the offender and the victim and it is

noticed that continuation of criminal proceedings would be an exercise in futility and justice in the case demands that the dispute between the parties be put to an end and the peace is restored, in those cases quashing of the F.I.R. may be allowed by the High Courts as well as other Courts. In another decision rendered by the Hon'ble Supreme Court in Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat reported in (2017) 9 SCC 641 it is observed that under Section 482 the High Court to prevent the abuse of the process of any court and to secure the ends of justice may quash a First Information Report or a Criminal Proceeding on the ground that a settlement has been arrived at between the offender and the victim. In the said judgment it is also observed that in cases of serious offences involving mental depravity or offences such as murder, rape, dacoity, the same may not be quashed even though settlement has been reached but in cases which are private in nature and which does not have a serious impact upon the society, the same may be quashed if settlement is reached.

11. In the instant case it is noticed that the petitioner No.1 and the victim had married each other and are leading a peaceful conjugal life and they have a daughter too. In view of the above, it is in the opinion of this Court that since the offence is of private nature without any adverse impact on the society, the same may be quashed for the interest of justice.

12. As such, the F.I.R. dated 18.08.2014 as well as the Charge-sheet No.165/2015 dated 30.04.2015 and all subsequent proceedings are quashed in the interest of justice.

13. The Petition is disposed of.