

(2022) 10 SIK CK 0007

In the Sikkim High Court

Case No : Criminal Miscellaneous Case No. 07 Of 2022

Gyaltsen Dadul Bhutia & Ors

APPELLANT

Vs

State Of Sikkim

RESPONDENT

Date of Decision : 20-10-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34, 324

Citation : (2022) 10 SIK CK 0007

Hon'ble Judges : Bhaskar Raj Pradhan, J

Bench : Single Bench

Advocate : Mon Maya Subba, S.K. Chettri

Final Decision : Allowed

Judgement

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 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. Gyaltzen Dadul Bhutia & Ors. are hereby quashed. The petition is allowed and disposed of.