

(2015) 03 MEG CK 0012
In the Meghalaya High Court
Case No : Criminal Petn. No. 35 of 2014

Satyabrata Das

APPELLANT

Vs

State of Meghalaya and Others

RESPONDENT

Date of Decision : 25-03-2015

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 324, 34

Citation : (2015) 03 MEG CK 0012

Hon'ble Judges : Sudip Ranjan Sen, J.

Bench : Single Bench

Advocate : R. Gurung, for the Appellant; S. Bhattacharjee, GA, Advocates for the Respondent

Final Decision : Allowed

Judgement

Sudip Ranjan Sen, J.—The brief fact of the case in a nutshell is that:

"This is an application under section 482 of the code of criminal procedure for quashing proceeding of Lumdiengjri P.S. Case No. 64 (7) of 2013 U/S 324/34 IPC [G.R. Case No. 195 (S) of 2013] pending in the court of the Chief Judicial Magistrate, at Shillong.

The brief facts of the case is that both the Petitioners and the Respondents are members of the same family and the Respondents on some mistaken notions had filed an FIR against the Petitioners pursuant thereto the Police had registered a case vide Lumdiengjri P.S. Case No. 64 (7) of 2013 U/S 324/34 IPC and on the basis of the said FIR, the Police completed its investigation and filed a charge sheet before the Court of Chief Judicial Magistrate, Shillong being G.R. Case No. 195 (S) of 2013 and however on realization a settlement between the parties was reached whereby all the parties out of their own free will and without any pressure or force from any quarter amicably settled the matter and the parties are desirous of withdrawing the above case.

Hence, this Petition U/S 482 of the Code of Criminal Procedure for setting aside and quashing the proceeding of G.R. Case No. 195 (S) of 2013 pending in the court of Chief Judicial Magistrate, Shillong".

2. Heard Mr. R. Gurung, learned counsel for the petitioners and Ms. P. Roy, learned counsel for the private respondents. Also heard Mrs. S. Bhattacharjee, learned GA for the State. All the parties are present in person before the court.

3. I have perused the Lower Court case record and the statement by the complainant recorded by the Chief Judicial Magistrate, Shillong, wherein, it appears that all the parties have settled their matters amicably being family members.

4. Mrs. S. Bhattacharjee, learned State counsel has also perused the statement and submitted that, the State has no objection.

5. After hearing the submissions advanced by the learned counsel at Bar and also I have personally enquired the parties present before the court namely:

Petitioners

1. Shri Satyabrata Das
2. Smti Sabita Das
3. Smti Sanjita Das
4. Shri Sujoy Das,
5. Shri Surajit Das @ Rajan Das
6. Shri Biswajit Das @ Ratan Das
7. Smti Ruma Das @ Sutapa Das

Respondent and Private respondents

1. State of Meghalaya
2. Shri Mistu Deb
3. Smti Shampi Das
4. Smti Monti Das
5. Smti Maya Das

They have admitted that they have settled the matter amicably without any force or pressure. Since it is a family matter, I am not inclined to force the parties to go any further; rather I feel that since they have taken a wise decision to settle amongst themselves, it to be appreciated for the betterment of the family and the society. Hence, I hereby invoke my power under section 482 Cr.P.C. and quashed the criminal proceeding bearing G.R. Case No. 195 (S) 2013.

6. The Registry to roll back the Lower Court Case record along with a copy of this judgment and order to the lower court concerned.
7. With this observation and direction, the instant petition is allowed and stands disposed of.