

GAHC010123382020



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

**Case No. : Crl.Pet./444/2020**

BRAHAM PRAKASH BANSAL @ RAHUL BANSAL  
S/O LT. GOPIRAM BANSAL, PERMANENT R/O DHOLLA BAZAR,  
SAIKHOWAGHAT, P.S. DHOLLA, DIST. TINSUKIA, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR.  
REP. BY THE PP, ASSAM

2:SUNAINA PALRIWAL (BANSAL)  
D/O BANWARILAL PALRIWAL  
R/O M.H.H.S. ROAD  
JHALUKPARA ROAD  
NEAR BAJRANG TIMBER  
P.S. AND DIST. DIBRUGARH  
ASSA

**Advocate for the Petitioner : MR D TALUKDAR**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HON'BLE MR. JUSTICE ROBIN PHUKAN**

Date of hearing & delivery of verdict : 28.09.2022.

**JUDGEMENT AND ORDER (ORAL)**

Heard Mr. D. Talukdar, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Addl. P.P., Assam for the State/respondent No.1 and Ms. G. Borah, learned counsel for the respondent No.2.

2. In this petition under Section 482 of the CrPC, the petitioner, Sri Braham Prakash Bansal @ Rahul Bansal has prayed for quashing of the FIR dated 06.07.2020, filed by the respondent No.2, Smti Sunaina Palriwal (Bansal), against him with the Officer-in-Charge of Dibrugarh Police Station, in connection with the Dibrugarh P.S. Case No.1084/2020, under Sections 420/294/506 of the IPC, read with Section 66(C) of the Information Technology Act, 2020.

3. It is to be noted here that the aforementioned FIR was lodged by Smti Sunaina Palriwal (Bansal) on 06.07.2020, to the effect that she has been living separately from her husband (the present petitioner) since 2019 and a Divorce Suit is pending between them before the Court of learned District Judge, Dibrugarh and that her husband opened a facebook account in a fake name viz. Rahul Bansal, and using the same till date, where he uploaded her photographs without her consent and permission. Thereafter, on 04.07.2020, at about 8:30 p.m., her husband threatened her and her family members over phone and also threatened to defame her in social media platform and also abused her in filthy language.

4. Mr. D. Talukdar, learned counsel for the petitioner submits that the petitioner has filed one additional affidavit, here in this petition stating that there are 13 cases pending between the parties and they have compounded all the cases amicably and Mr. Talukdar also produced a joint petition, filed by the parties before the Court of learned District Judge, Dibrugarh, where both the parties have put their signatures and on the basis of the said joint petition of

both the parties, the petitioner has approached this Court for quashing of the FIR of Dibrugarh P.S. Case No.1084/2020, under Sections 420/294/506 of the IPC, read with Section 66(C) of the Information Technology Act, 2020.

5. Ms. G. Borah, learned counsel appearing for the respondent No.2 also submits that all the cases have been compounded between the parties and the respondent No.2 has no objection in the event of quashing of the FIR.

6 Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and documents placed on record and also perused the case diary, produced before this Court and also gone through the additional affidavit dated 23.08.2022, filed by the petitioner.

7. It appears that the case was registered under Sections 420/294/506 of the IPC, read with Section 66(C) of the Information Technology Act, 2020. The offence under Section 294 of the IPC and Section 66(C) of the Information Technology Act are not compoundable and therefore, the petitioner has approached this Court by filing the present petition under Section 482 of the CrPC, for quashing of the FIR. The petitioner and the informant are husband and wife. Now they are living separately. They have resolve all the disputes amongst themselves.

8. It is to be noted that in the case of **State of Madhya Pradesh vs. Laxmi Narayan and others**, reported in **(2019) 5 SCC 688**, the Hon'ble Supreme Court, referring to its earlier decisions in the case of **Gian Singh Vs. State of Punjab [(2012) 10 SCC 303]** and **Narinder Singh Vs. State of Punjab [(2014) 6 SCC 466]**, has held:- "that the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-

compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves”.

9. In view of the law laid down by the Hon’ble Supreme Court in aforementioned cases and also in view of the given facts and circumstances on the record, this Court is of the considered opinion that end of justice would be meted out if the petition is allowed. And even, if the proceeding is allowed to continue, no purpose will be served, as there is unlikelihood of the case ending in conviction as the informant and victim are unlikely to depose against the petitioner an account of compounding the case.

10. In the result, I find sufficient merit in this petition and accordingly, the same is allowed. The FIR of Dibrugarh P.S. Case No.1084/2020, under Sections 420/294/506 of the IPC, read with Section 66(C) of the Information Technology Act, 2000 stands quashed.

11. The parties have to bear their own costs.

**JUDGE**

**Comparing Assistant**