

GAHC010064372024



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

**Case No. : Crl.Pet./355/2024**

X and others

VERSUS

State of Assam and Y

**Advocate for the Petitioner : MS D DAS**

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

**BEFORE**  
**HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

**JUDGMENT & ORDER (ORAL)**

**Date : 12-06-2024**

Heard Ms. D. Das, learned counsel for the petitioners, Ms. S. Jahan, learned Additional Public Prosecutor, Assam for the respondent No. 1 and Mr. D. Das, learned counsel for the respondent No. 2.

2. The petitioner No. 1 is the husband and the respondent No. 2 is the wife of the petitioner No. 1. The petitioner Nos. 2 and 3 are the parents of the petitioner No. 1.

3. The petitioners have filed this application under Section 482 of the Code of Criminal Procedure, 1973 (CrPC for short) with a prayer for quashing the FIR being Fatasil Ambari Police Station Case No. 278/2023 under Section 498A of the Indian Penal Code, 1860.

4. The FIR unfolds that after her marriage the respondent No. 2 started her conjugal life along with the petitioner No. 1 and they were staying together. The respondent No. 2 was subjected to cruelty by the petitioners and the respondent No. 2 informed her family members about the same. In order to save her marriage, the respondent No. 2 endured the cruelty meted out to her. It is alleged that the petitioner No. 1 was involved in a relationship outside his marriage with different women. When the respondent No. 2 confronted him, she was subjected to cruelty by all the petitioners.

5. The petitioner Nos. 2 and 3 also threatened the respondent No. 2's parents with dire consequences and they retained the personal belongings and the jewellerys of the respondent No. 2. It is alleged that on several occasions the petitioner No. 1 forcefully took away Rs.1,00,000/- (Rupees One Lac) from the respondent No. 2. The petitioner Nos. 2 and 3 also wrongfully confined the respondent No. 2 in their house at Lumding and they restrained the respondent No. 2 from visiting her parental home, and so on and so forth.

6. It is submitted on behalf of the petitioners that due to some undesirable circumstances, the respondent No. 2 was impelled to lodge the FIR against the petitioners. Now, their differences have been sorted out, and both the parties have amicably settled their dispute. Their respondent No. 2 is willing to return back to her matrimonial home and re-start her conjugal life in a peaceful manner. The differences arose due to misunderstanding between both the

parties.

7. The respondent No. 2 has also filed an affidavit stating that on the intervention of well-wishers and relatives, their differences have been sorted out and their dispute has been mutually settled between both the parties.

8. I have considered the submissions at the bar with circumspection.

9. The petitioner has relied on the decision of a Coordinate Bench of this Court in *Masar Ali Vs. State of Assam reported in 2014 (4) GLT 203* wherein it has been held and observed that:

*“6. The Hon’ble Apex Court in the case of Narinder Singh & Ors. Vs. State of Punjab & Ann, reported in MANU/SC/0235/2014 : (2014) 6 SCC 466 in Para 29 of the judgment has laid down seven principles as guidelines to the High Courts in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Cr.P.C. while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceeding and in clause 29.4 of the said guidelines, the Hon’ble Apex court has laid down that:*

*“on the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves”.*

7. *From the affidavit of the petitioner and the submissions made by the respondent No. 2, it is clear that the incident involved in this case relates to matrimony and more particularly relates to dowry. Here the wrong was done to the victim respondent No. 2 by her offender husband, the petitioner and both the offender and the victim made a compromise between themselves, towards full and complete settlement of the victim respondent No. 2. Despite such full & complete settlement and compromise between the victim, respondent No. 2 and the offender,*

*wrongdoer, the petitioner it would be unfair and contrary to the interest of justice if the criminal proceeding against the petitioner is allowed to be continued, which would be tantamount to abuse of process of law and such continuation of the criminal case against the accused petitioner shall put him to a great oppression and prejudice causing extreme injustice to him.”*

10. In the conspectus of the decision of this Court in Masar Ali’s case (supra), it is held that this instant case is a fit case to invoke the inherent jurisdiction under Section 482 of the Cr.P.C. As the complainant who is also the victim herself voluntarily settled the dispute with her husband and her in-laws, possibility of conviction appears to be remote and bleak. Further proceeding will indeed be an abuse of the Court.

11. The learned Additional Public Prosecutor Ms. S. Jahan has relied on the decision of *Narinder Singh and Ors. Vs. State of Punjab and Anr. reported in (2014) 6 SCC 466* wherein it has been held and observed that:

*“31. (IV) On the other, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.”*

12. In the light of the decision of the Hon’ble Supreme Court in *Narinder Singh’s* case (supra), the FIR i.e. the Fatasil Ambari Police Station Case No. 278/2023 is hereby set aside and quashed.

13. In the above terms and observations, Criminal Petition stands disposed of.

**JUDGE**

## **Comparing Assistant**