IN THE HIGH COURT OF SIKKIM
CRIMINAL JURISDICTION

Crl. M. C. No. 12 OF 2016

Sonam Pintso Bhutia,
S/o Late Rinchen Bhutia,
R/o Aritar,
P. O. & P. S. Rhenock,
East Sikkim. ---------- Petitioner.

-VERSUS-

The State of Sikkim. ---------- Respondent.

PETITIONER
ADVOCATE (S)
FOR ---------- Mr. Jayant Kumar Singh.

RESPONDENT
ADVOCATE (S)
FOR ---------- Mr. J. B. Pradhan, Public Prosecutor, Mr. Karma Thinlay, Addl. Public Prosecutor, Mr. S. K. Chettri and Ms. Pollin Rai, Asstt. Public Prosecutor.

Crl. M.C. No. 12 of 2016

Sonam Pintso Bhutia vs. The State of Sikkim

BEFORE
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

6. 17.11.2016 Present: Mr. Jayant Kumar Singh, Advocate for the Petitioner.

Petitioner in person.

Mr. J.B. Pradhan, Public Prosecutor with Mr. S.K. Chettri and Mrs. Pollin Rai, Asst. Public Prosecutor for the State-Respondent.

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(1) Heard on I.A. No. 1 of 2016, which is an Application under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.').

(2) It is submitted that the matter has been settled with the Complainant Shri Shrawan Kumar Prasad, in connection with Rangpo P.S. FIR Case No. 01/2015 dated 07.02.2015, for which Charge Sheet was filed and registered as General Register Case No. 387 of 2015 in the Court of learned Chief Judicial Magistrate, East and North Sikkim at Gangtok.

(3) A Deed of Settlement dated 16.11.2016 has been filed, duly signed by both the Complainant and the Petitioner, and is supported by an Affidavit each of the parties.

(4) The Complainant, Mr. Shrawan Kumar Prasad, is present in the Court room and on query stated that the matter was amicably settled by him without any duress on him by any person or any quarter, and seeks a closure to the matter. That, in fact, the Complainant has filed Crl. M.C. No. 04 of 2016 before this Court, for quashing of the FIR No. 02(06)2015 dated 22.06.2015, and the proceedings pending before the Court of the learned Chief Judicial Magistrate, East and North Sikkim at Gangtok, where the Complainant herein is the accused. That, the matter has also been settled between them.

(5) As the parties have amicably settled the matter, learned Additional Advocate General submits that he has no objection if the Application under Section 482 of the Cr.P.C. is accepted and the proceedings quashed as prayed.

(6) In consideration of the facts and circumstances put forth, I am of the clear view that it would be an exercise in futility to indulge in a protracted trial as in all probability no fruitful result would yield, the matter having been settled between the Petitioner and concerned Complainant, who is also present in the Court room and vouches for the submissions of the Petitioner. Thus, weighing the facts and

circumstances of the instant matter, I am of the opinion that it would be advisable to truncate the proceedings, hence, the settlement between the parties is accordingly accepted.

(6) In the result, Application under Section 482 of the Cr.P.C. is accepted. The FIR No. 01/2015 dated 07.02.2015, registered with Rangpo Police Station, East Sikkim, is hereby quashed and consequently, the proceedings before the Court of the learned Chief Judicial Magistrate, East Sikkim at Gangtok, also stands quashed.

(7) Consequently, Crl. M.C. No. 12 of 2016 and the I.A. stand disposed of.

sd

Judge
17.11.2016

Index : ~~Yes~~ / No
Internet : Yes / ~~No~~
ds/bp