

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 3467/2020

(Arising out of impugned final judgment and order dated 08-01-2020 in CRLP No. 95(AP) of 2019 passed by the Gauhati High Court at Itanagar)

DOLANG BHARAT & ORS.

Petitioner(s)

VERSUS

THE STATE OF ARUNACHAL PRADESH

Respondent(s)

(FOR ADMISSION and I.R.)

Date : 04-03-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Mr. Mansoor Ali, AOR
Ms. Rubina Jawed, Adv.
Ms. Lubna Ishrat, Adv.

For Respondent(s) Mr. Abhimanyu Tewari, AOR
Ms. Eliza Bar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Learned counsel for the petitioners as well as learned counsel appearing for respondent-State jointly submitted that there has been a settlement arrived at between the parties and therefore, the impugned order may have to be set aside invoking the jurisdiction of this Court under Article 142 of the Constitution of India.

In this regard, they also relied upon the judgment of this Court in Ramawatar vs. State of M.P. [(2022) 13 SCC 635].

Since the parties have arrived at a settlement, we find that this Court can exercise its powers to grant relief to the parties

by quashing the criminal proceedings by exercising powers under Article 142 of the Constitution. The relevant portions of the aforesaid judgment read as under:

“16. Ordinarily, when dealing with offences arising out of special statutes such as the SC/ST Act, the Court will be extremely circumspect in its approach. The SC/ST Act has been specifically enacted to deter acts of indignity, humiliation and harassment against members of Scheduled Castes and Scheduled Tribes. The Act is also a recognition of the depressing reality that despite undertaking several measures, the Scheduled Castes/Scheduled Tribes continue to be subjected to various atrocities at the hands of upper castes. The courts have to be mindful of the fact that the Act has been enacted keeping in view the express constitutional safeguards enumerated in Articles 15, 17 and 21 of the Constitution, with a twin-fold objective of protecting the members of these vulnerable communities as well as to provide relief and rehabilitation to the victims of caste-based atrocities.

17. On the other hand, where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On similar lines, when considering a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the

offence is covered under a "special statute" would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 CrPC.

19. We may hasten to add that in cases such as the present, the courts ought to be even more vigilant to ensure that the complainant-victim has entered into the compromise on the volition of his/her free will and not on account of any duress. It cannot be understated that since members of the Scheduled Caste and Scheduled Tribe belong to the weaker sections of our country, they are more prone to acts of coercion, and therefore ought to be accorded a higher level of protection. If the courts find even a hint of compulsion or force, no relief can be given to the accused party. What factors the courts should consider, would depend on the facts and circumstances of each case.

20. Having considered the peculiar facts and circumstances of the present case in light of the aforestated principles, as well as having meditated on the application for compromise, we are inclined to invoke the powers under Article 142 and quash the instant criminal proceedings with the sole objective of doing complete justice between the parties before us..."

The ratio of the aforesaid judgment would squarely apply to the present case also.

Consequently, the impugned order is set aside. The criminal proceeding in connection with Nirjuli P.S. Case No.09/2015 under Sections 120(B), 447/427/352/34 IPC corresponding to G.R. Case No.400/2015 pending before the court of the learned Chief Judicial

Magistrate, Itanagar, Capital Complex, Yupia against the petitioner Nos. 2, 3 & 4, on the ground that the petitioners who are the complainant and the accused(S) have amicably settled their differences by an agreement dated 21.08.2019 executed before the Executive Magistrate, Capital Complex Nararlagun, is quashed.

The special leave petition is disposed of in the aforesaid terms.

Pending application(s), if any, shall stand disposed of.

(RADHA SHARMA)
COURT MASTER (SH)

(MALEKAR NAGARAJ)
COURT MASTER (NSH)