

GAHC010151012025



2025:GAU-AS:13497

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

Case No. : Crl.Pet./804/2025

RAJESH RAM AND ANR
S/O BIRBAL RAM
R/O VILL- LAMBAPATHAR
P.O. AND P.S. KHERONI
DIST. WEST KARBI ANGLONG, ASSAM, PIN-782448

2: MRS. PRELIBON MILLICKPI
W/O RAJESH RAM
P/A OF VILL- LAMBAPATHAR
P.O. AND P.S. KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN-782448

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR M Z SHAH, MD P RAHMAN

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN**

ORDER

26.09.2025

Heard Mr. M.Z. Shah, learned counsel for the petitioners and Mr. B. Sharma, learned Addl. Public Prosecutor for the State.

By this application, the petitioners have challenged the PRC Case No. 11/2025 arising Kheroni P.S Case No. 3/2025 registered under Section 75/351(2)/127(2)/64 of BNS.

The petitioners have challenged the said proceeding of the said PRC case only on the ground of settlement between them. It is also noticed that the instant petition is a joint petition filed by both the petitioner and the victim of the instant case. The present case has commenced with lodging of an FIR by the petitioner No. 2 namely, Smt. Prelibon Millickpi alleging that the petitioner No. 1 had cheated her and by coercion, the petitioner has established sexual relationship with her. She also stated in the FIR that on the pretext of finding a rented place for her sister, the petitioner threatened her that a case has been lodged against them and induced her to flee with him to some other place. She out of fear fled with him and that the petitioner kept her under his control from 10.01.2025 to 12.01.2025 and that during that period, petitioner established

sexual relationship with her. She also alleged that thereafter, the petitioner abandoned her leaving her alone. The police on completion of the investigation submitted charge sheet vide Charge Sheet No. 8/2025 dated 26.02.2025 and that thereafter, summon was issued to the petitioner No. 1.

The counsel appearing for the petitioners submits that during the said proceeding, the petitioner No. 1 and petitioner No. 2 entered into the institution of marriage and the same was registered on 10.01.2025 and the petitioner Nos. 1 & 2 were declared as husband and wife. He further submits that thereafter on 08.07.2025, the petitioners have entered into a settlement and an affidavit was sworn in by which it was stated that the petitioner No. 2 was in love relationship with the petitioner No. 1 and that they got married with each other and that after two (2) days of their marriage, the family members of petitioner No. 2 took her away from her husband i.e., the petitioner No. 1 and pressurize her to file an FIR against her husband and out of fear and pressure by her family members, the petitioner No. 2 lodged the ejahar against her husband which resulted in registration of the FIR as mentioned above. The petitioner No. 2 was also pressurized to make statement before the Magistrate and out of fear, she had given her statement and she on oath swore in the affidavit that the petitioner No. 1 is her husband and was an innocent person and that she lodged

the ejahar as well as had given her statement before the authorities concerned only out of pressure and fear of her family members. She further stated in the affidavit that she is living happily with her husband without any objection from her family members.

It is settled proposition of law that in case of matrimonial disputes or in case of civil disputes, settlement can be reached between the parties more so if it is found that there would be no use of any trial between the parties and the same would result in a futile exercise. It has been held by the Hon'ble Apex Court in a number of decisions, one being *Parbatbhai Aahir Vs. State of Gujarat* wherein, the Hon'ble Supreme Court had observed that dispute of a civil nature or in relation to matrimonial issues may be settled by taking recourse to Section 482 of the Code of Criminal Procedure. It was also held that offence arising out of matrimony or family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire disputes, such cases can be settled on the basis of compromise between the victim and the accused person and the High Court would be well within its jurisdiction to quash such criminal proceeding.

In the instant case, it is noticed that the petitioners i.e., petitioner No. 1 and petitioner No. 2 are married to each other and are happily staying as

husband and wife and as such, this Court finds it fit that the PRC Case No. 11/2025 arising out of Kheroni P.S Case No., 3/2025 registered under various Sections of law is quashed for the ends of justice and together with it, all the subsequent orders passed in the said proceeding are also quashed and set aside.

Petition is disposed of.

JUDGE

Comparing Assistant