

THE HIGH COURT OF SIKKIM : GANGTOK
(Criminal Jurisdiction)

SINGLE BENCH: THE HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE

Crl. M.C. No.08 of 2023

1. Shri Harka Bahadur Baraily,
S/o Dhan Bir Baraily,
R/o 6th Mile, Gyalshing,
P.O. & P.S. Gyalshing, Sikkim,
Pin Code: 737 111.

2. Shri Deo Man Subba,
S/o Late Chandra Bahadur Subba,
R/o 6th Mile, Gyalshing,
P.O. & P.S. Gyalshing, Sikkim,
Pin Code: 737 111.

..... Petitioners

Versus

State of Sikkim.

..... Respondent

Appearance:

Ms. Gita Bista, Legal Aid Counsel for the Petitioners.

Mr. Thinlay Dorjee Bhutia, Additional Public Prosecutor
assisted by Mr. Sujan Sunwar, Assistant Public
Prosecutor for the Respondent.

Date of hearing : 04.12.2023
Date of order : 04.12.2023

ORDER (ORAL)

Bhaskar Raj Pradhan, J.

1. A Compromise Deed has been entered into between the Petitioners on 10.10.2022.

2. According to the Compromise Deed, the two of them got into a brawl on 17.08.2022 and the wife of the Petitioner No.2 lodged the FIR, due to which Gyalshing P.S. Case

No.34/2022, dated 18.08.2022 was registered under Section 326 IPC, 1860. According to the Compromise Deed, the Complainant has now remarried and is no longer with the Petitioner No.2. It is stated that due to intervention of their friends and families, they have settled their differences considering their previous friendship and relationship. The medical expenses incurred during the treatment of the Petitioner No.2 has been borne by the Petitioner No.1. It is also stated that they do not hold any grudges against each other and desire to maintain their friendship.

3. Learned Legal Aid Counsel for the Petitioners confirms that no charges have been framed as yet by the Learned Trial Court.

4. In view of the Compromise Deed entered into between the Petitioners, as the issue involved is personal in nature, the Learned Additional Public Prosecutor also does not raise any serious objection.

5. The Compromise Deed is accepted. Proceedings before the Learned Trial Court is accordingly quashed.

6. A copy of this order be transmitted to the Learned Trial Court forthwith.

7. CrI. M.C. No.08 of 2023 stands disposed of.

(Bhaskar Raj Pradhan)
Judge

Approved for reporting : **No**
Internet : **Yes**

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