GAHC040021252025

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

Case No. : Crl.Petn./285/2025

Kasar Padun and 2 Ors
Son of Shri Lion Padun, a permanent resident of Village Geku, PO and PS Geku, Upper Siang District, Arunachal Pradesh and presently residing at ESS Sector Itanagar, PO and PS Itanagar, Papum Pare District, Arunachal Pradesh. 2: Smti Pul @ Ful Khatun
Age:
Occupation :
Wife of Shri Tajj Uddin
a permanent resident of Village Kuchia Khanda
PO Bilashipara Bazar
PS Gobardhana Barpeta
Assam 781315 and presently residing at Ganga Market
Near Hotel Blue Pine Itanagar
PO RK Mission
PS Itanagar
Papum Pare District
Arunachal Pradesh.

3: Smti Anara Khatun
Age:
Occupation :
Wife of Shri Murr Uddin
a permanent resident of Village Kuchia Khanda
PO Bilashipara Bazar
PS Gobardhana Barpeta
Assam 781315 and presently residing at Ganga Market
Near Hotel Blue Pine Itanagar
PO RK Mission
PS Itanagar
Papum Pare District
Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Pramod Kr. Gour, S Bayor,T Kumar

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 24.12.2025

Heard Mr. P. K. Gour, learned counsel appearing for the petitioner and Ms. L. Hage, learned Addl. PP for the State of Arunachal Pradesh.

2. This is an application under Section 528 of BNSS filed by the petitioners praying for quashing and setting aside of the FIR and criminal proceeding pending before the learned CJM, Yupia, Papum pare District in connection with ITA P.S. Case No. 212/2024 corresponding to G.R. Case No. 1174/2024 under Section 281/125(b) of BNS.

3. An FIR was lodged by the petitioner No. 2, Smti Pul @ Ful Khatun (informant) before the Officer-in-Charge, Itanagar Police Station alleging that at midnight about 12.00 PM, her elder sister, Smti Anara Khatun was hit from back by one Santro Car bearing registration No. AR-14-3988. After hitting her sister, without stopping, the vehicle went off. On receipt of the FIR, ITA P.S. Case No. 212/2024 under the aforementioned sections was registered.

4. It is the case of the petitioners that after the accident, the petitioner No. 3 (victim) was taken to Rama Krishna Mission, Hospital, wherein, her injury was

found to be grievous in nature. Meanwhile, the family of the accused (petitioner No.1) approached the petitioner No. 2 (complainant) and took all the responsibility for medical treatment of the petitioner No. 3 (victim). It is also the case of the petitioners that there was an agreement arrived at between the families of the informant as well as the victim in the Hospital and accordingly, the petitioner No. 2 (informant) went to withdraw the FIR which was filed by her before the Itanagar Police Station. However, the same was not allowed as the offence under which the FIR was registered was found to be non-compoundable.

5. On completion of the investigation, charge sheet was filed against the petitioner No. 1, vide charge sheet No. 23/2025 dated 12.01.2025 before the learned CJM, Yupia, Papum pare District under Section 281/125(b) of BNS. Thereafter, charges were framed against the petitioner No. 1 under Section 281/125(b) of BNS, vide order dated 09.09.2025 by the learned CJM, Yupia, Papum pare District.

6. It is the case of the petitioners that during pendency of the case, the families of the informant as well as the victim have decided not to pursue the case pending before the learned CJM, Yupia, Papum pare District and accordingly, a settlement agreement dated 03.12.2025 was executed for amicably settling the issues between the family of the informant as well as the victim.

7. In the aforesaid agreement, it has been specifically stated that the victim, Smti Anara Khatun has fully recovered and all medical cost for the treatment of the victim was borne by the family of the petitioner No. 1. It was further decided that the parties shall approach and pray before the Court for closure of the pending case. It was also decided that the victim (petitioner No.3) shall

withdraw the pending case before the learned CJM, Yupia, Papum pare District and if necessary, a joint petition shall be filed by the parties for quashing of the case before the Hon'ble High Court.

8. In view of the aforesaid agreement, the instant petition has been filed jointly by the accused, informant and the victim for quashing of the entire proceeding relating to ITA P.S. Case No. 212/2024 pending before the learned CJM, Yupia, Papum pare District.

9. The learned counsel appearing for the petitioners submits that since an amicable settlement has already been arrived at and the offences as alleged against the petitioner No. 1 is not of a heinous nature, this Court should in terms of the agreement arrived at amongst the petitioners, should quash the proceeding i.e. ITA P.S. Case No. 212/2024, pending before the learned CJM, Yupia, Papum pare District.

10. Ms. L. Hage, the learned Addl. PP appearing for the State submits that since an amicable settlement has already been arrived at between the parties and the victim has already been recovered, the instant petition may be allowed by this Court.

11. In view of the submissions made by the learned counsel for the petitioners, it may be relevant at this stage to refer to the case where the law on quashing of criminal proceedings has been settled by the Hon'ble Supreme Court in case of ***State of Madhya Pradesh*** Vs. ***Laxmi Narayan & Ors***., reported in ***(2019) 5 SCC 688***, the Hon'ble Apex Court has held as below:

> *"15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:*
>
> *15.1. That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of*

the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.2. Such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

15.3. Similarly, such power is not to be exercised for the offences under the special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

15.4. Offences under Section 307 IPC and the Arms Act etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh (supra) should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

15.5. While exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impart on society, on the ground that there is a settlement/compromise between the victim and the offender, the

High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise etc."

12. Considering the submissions made by the learned counsel appearing for the respective parties, as well as the materials available on record, and also taking into account the ratio laid down by the Hon'ble Apex Court in the aforesaid case, and in view of the fact that the parties have settled the matter and the victim has already been recovered, and also considering the nature of the offence involved, this Court is of the considered view that the continuance of the criminal proceeding in the instant case would be a futile exercise.

13. Accordingly, ITA P.S. Case No. 212/2024 corresponding to G. R. Case No. 1174/2024 under Section 281/125(b) of BNS pending before the learned CJM, Yupia, Papum pare District is hereby set aside and quashed.

The instant criminal petition stands disposed of, in terms above.

JUDGE

Comparing Assistant