GAHC040005182026

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

Case No. : Crl.Petn./92/2026

Yomrak Kato and Anr
Son of Toyom Kato, a permanent resident of Village Kato, PO and SP Kamba, West Siang District, Arunachal Pradesh. 2: Bivison Das
Age:
Occupation :
Son of Makhan Das
presently residing at Chandan Nagar
PO and PS Itanagar
Papum Pare District
Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Gumto Kato, Marnya Ete,Nyado Karga

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG
ORDER

09.09.2026

This matter is listed today for referral to the Special Mediation Drive-Mediation 'For the Nation'.

2. Heard Mr. N. Karga, learned counsel for the petitioners. Also heard Ms. L. Hage, learned Additional Public Prosecutor for the State respondent.

3. This application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed jointly by petitioner No. 1 (the accused) and petitioner No. 2 (the informant), praying for quashing of the criminal proceedings in G.R. Case No. 467/2018, arising out of Itanagar P.S. Case No. 189/2018, registered under Sections 323/341/353 of the IPC, pursuant to Charge-Sheet No. 359/2018 dated 06.12.2018, which is pending before the Court of the learned Judicial Magistrate First Class, Naharlagun.

4. Petitioner No. 1 is the accused, whereas petitioner No. 2 is the informant in the aforesaid case arising out of Itanagar P.S. Case No. 189/2018.

5. The brief facts leading to the filing of the present petition are that petitioner Nos. 1 and 2 had an argument on 04.07.2018 over a minor misunderstanding. The informant/petitioner No. 2 lodged a written FIR on 04.07.2018 before the Officer-in-Charge, Naharlagun, alleging that on 04.07.2018, at about 1400 hrs to 2000 hrs, while he was performing his traffic duty. The accused did not obey the traffic signal and, therefore, informant tried to stop him. However, the accused allegedly manhandled informant, thereby obstructing him from performing his lawful duty. Based on the aforesaid written

FIR, a case was registered as Itanagar P.S. Case No. 189/2018 under Sections 341/323/353 of the IPC and the same was investigated into. Upon completion of the investigation, the Investigating Officer submitted Charge-Sheet No. 359/2018 dated 06.12.2018 against accused/petitioner No. 1 for offences punishable under Sections 341/323/353 of the IPC. Upon receipt of the charge-sheet, the learned Magistrate took cognizance of the offences and issued process. The case is presently pending before the Court of the learned Judicial Magistrate First Class, Naharlagun.

6. Mr. Karga, learned counsel for the petitioners, submits that during the pendency of the trial, the matter has been amicably resolved between the parties, and they have executed a Deed of Settlement dated 12.03.2026, whereby petitioner No. 2/informant has categorically stated that the complaint was lodged due to a minor incident arising out of a misunderstanding between the parties. However, the allegation was not serious, the injury sustained was also minor, and both parties have since become good friends and are maintaining a cordial relationship. The matter having been amicably settled, petitioner No. 2/informant has no grievance against the accused/petitioner No. 1 and does not wish to pursue the matter any further.

7. He further submits that the settlement between the parties has been brought to the notice of the learned Trial Court. However, since the offences alleged against the accused are non-compoundable, the present petition has been filed.

8. He further submits that the offences under Sections 323 and 353 of the IPC are compoundable in nature, whereas the offence under Section 341 of the IPC is non-compoundable.

9. In view of the facts and circumstances stated above, learned counsel for the petitioners submits that, since the matter has been amicably settled between the parties and there is no likelihood of conviction, the proceedings against accused/petitioner No. 1 may be quashed by invoking the power under Section 528 of the BNSS.

10. Ms. L. Hage, learned Additional Public Prosecutor, fairly submits that, in view of the amicable settlement between the parties, and considering that the incident allegedly occurred due to a minor misunderstanding between the parties and that petitioner No. 2, the informant, has no further grievance and does not wish to pursue the matter, she has no objection if the prayer of the petitioners is allowed.

11. I have heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor and have perused the record.

12. The present case arose out of a minor incident resulting from a misunderstanding between petitioner No. 1/accused and petitioner No. 2/informant, pursuant to which petitioner No. 2 lodged the written FIR against accused/petitioner No. 1. The dispute has since been amicably resolved between the parties, and such settlement does not warrant the continuation of the criminal proceedings. Further, petitioner No. 2/informant now has no grievance against accused/petitioner No. 1 and does not wish to pursue the case. The dispute appears to be personal in nature and does not affect society at large. Given the facts and circumstances of the case, there appears to be only a remote possibility of conviction. In view of the above, continuation of the criminal proceedings against the accused would be a futile exercise and would amount to an abuse of the process of law.

13. The Hon'ble Supreme Court in the case of ***State of Madhya Pradesh Vs. Laxmi Narayan and Ors.*** reported in (2019) 5 SCC 688 held that the High Court in exercise of power under 482 of the Code can quashed the criminal proceeding even for non-compoundable offences which are private in nature and do not have serious impact on society on the ground that there is settlement/compromise between the victim and the offender.

14. In light of the principle laid down by the Hon'ble Supreme Court in ***Gian Singh v. State of Punjab***, reported in[(2012) 10 SCC 303], ***Narinder Singh v. State of Punjab*** reported in[(2014) 6 SCC 466], as well as the ***State of Madhya Pradesh v. Laxmi Narayan*** (supra), where the Apex Court has permitted quashing of proceedings even in non-compoundable offence in cases involved in private disputes which do not affect the society at large, this Court is of the opinion that this is a fit case, where inherent power under Section 482 of Cr.P.C/Section 528 of BNSS, should be exercised to secure the ends of justice.

15. Accordingly, the proceedings in G.R. Case No. 467/2018, arising out of Itanagar P.S. Case No. 189/2018, registered under Sections 323/341/353 of the IPC, and Charge-Sheet No. 359/2018 dated 06.12.2018, pending before the Court of the learned Judicial Magistrate First Class, Naharlagun, against the accused, namely, **Shri Yomrak Kato** (Petitioner No. 1), are hereby quashed in the interest of justice.

16. With the above, this criminal petition stands disposed of.

JUDGE

Sabnam Mepo (SPA)