GAHC040011772026

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

Case No. : Crl.Petn./218/2026

Raju Pabing and Anr
Son of Raju Pabing, a resident of Village Type-II Colony Seppa, PO and PS Seppa, East Kameng District, Arunachal Pradesh. 2: Mrs Rina Pabing
Age:
Occupation :
Daughter of Late Kyabjik Eri
Village Chayang Tajo
PO and PS Chayang Tajo
East Kameng District
Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Aso Dalbong, T Tabing,Bebeng Siboh,Tabit Tapak

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 01.10.2026

Heard Mr. A. Dalbong, learned Counsel for the petitioners. Also heard Mr. T. Ete, learned Additional Public Prosecutor for the State of Arunachal Pradesh.

2. The instant criminal petition has been jointly filed by the accused-husband/petitioner No. 1 and the informant-wife/petitioner No. 2, seeking quashing of the proceedings in G.R. Case No. 779/2024, arising out of Itanagar Women P.S. Case No. 41/2024, registered under Sections 85/115 of the BNS, which is pending before the learned Court of the Judicial Magistrate First Class, Naharlagun.

3. The case of the petitioners is that, on the basis of a written FIR lodged by petitioner No. 2, wife, before the Officer-in-Charge, Women Police Station, Itanagar, against the accused petitioner No. 1, husband, the police has registered the aforesaid Itanagar Women P.S. Case No. 41/2024 under Sections 85/115 of the BNS and investigation was taken up.

4. Upon completion of investigation, the Investigating Officer filed Charge-Sheet No. 104/2024 dated 22.12.2024 against petitioner No. 1 for the alleged offences punishable under Sections 85/115 of the BNS and the matter is presently pending before the learned Judicial Magistrate First Class, Naharlagun at the stage of consideration of charges.

5. Learned counsel for the petitioners submits that, during the pendency of the case, the parties have amicably settled their disputes by executing a Deed of Settlement-cum-Compromise dated 20.07.2026, wherein, the informant wife is categorically stated that the aforementioned FIR was lodged against her husband due to certain misunderstandings between them. She has further stated that the parties have now mutually settled their differences and that she has no further grievance against petitioner No. 1/husband and does not wish to pursue the proceedings any further. The informant/Petitioner No. 2 has further undertaken to cooperate with petitioner No. 1 in taking appropriate steps for withdrawal/closure of the proceedings before the competent authority.

6. Learned counsel for the petitioners submit that in view of the settlement arrived at between the parties, the matter is required to be considered in the light of the compromise and the subsequent conduct of the parties.

7. Mr. T. Ete, learned Additional Public Prosecutor appearing for the State, submits that, since the matter arises out of a matrimonial dispute between the husband and wife and the dispute has been amicably settled between the parties and considering that they are presently leading a harmonious marital life, the wife has expressed that she has no further grievance against Petitioner No. 1/ accused (husband) and does not wish to pursue the matter any further. In view thereof, he submits that he has no objection if the prayer of the petitioners for quashing of the criminal proceedings is allowed.

8. I have heard the submissions made by the learned counsel appearing

for the parties and have also perused the materials available on record.

9. It is evident from the facts and circumstances of the case that the dispute is essentially matrimonial in nature and is between the husband and wife. The parties have amicably settled their differences and in furtherance of the said settlement, have executed a Deed of Agreement dated 20.07.2026. On perusal of the said Deed of Agreement, it appears that Petitioner No. 2/informant (wife) has clearly expressed that, in view of the compromise arrived at between the parties, she has no further grievance against Petitioner No. 1/accused (husband) and does not wish to pursue the criminal proceedings any further.

10. Since the dispute arises out of a matrimonial relationship and the parties have amicably settled their differences and are presently living together as husband and wife, continuation of the criminal proceedings before the learned Judicial Magistrate First Class, Naharlagun, would serve no useful purpose. In such circumstances, continuation of the proceedings would result in unnecessary hardship and harassment to the parties and would amount to an abuse of the process of law.

11. It is pertinent to note that the Hon'ble Supreme Court, in a catena of decisions, has held that, in cases involving matrimonial disputes and other disputes of a predominantly private nature, the High Court, in exercise of its inherent jurisdiction under Section 528 of the BNSS, corresponding to Section 482 of the CrPC, may quash the criminal proceedings where the parties have amicably settled their dispute and continuation of such proceedings would serve no useful purpose or would amount to an abuse of the process of law. In the present case, having regard to the amicable

settlement arrived at between the parties, the fact that they are presently living together harmoniously as husband and wife and the statement of the informant that she has no further grievance against the accused and does not wish to pursue the matter, this Court is of the view that continuation of the criminal proceedings would not serve the ends of justice.

12. In this regard, the notable judgments of the Hon'ble Supreme Court include:

(i) ***Gian Singh vs. State of Punjab &Anr.,*** reported in (***2012) 10 SCC 303***, wherein the Court held that the High Court can quash criminal proceedings in cases which are overwhelmingly or predominantly civil in nature, particularly matrimonial disputes, when the parties have resolved their dispute amicably.

(ii) ***Narinder Singh & Ors. vs. State of Punjab &Anr.,*** reported in ***(2014) 6 SCC 466***, wherein it was held that in cases essentially of a private nature, where the possibility of conviction is remote, proceedings may be quashed to promote harmony.

(iii)*B.S. Joshi vs. State of Haryana,* reported in***(2003) 4 SCC 675***, wherein the Court observed that in matrimonial disputes, if the parties have settled their differences, there is no justification in continuing the criminal proceedings.

(iv)*State of Madhya Pradesh vs. Laxmi Narayan and Others,* reported in ***(2019) 5 SCC 688***, wherein the

Hon'ble Apex Court permitted quashing of proceedings even in

respect of non-compoundable offences arising out of private disputes which do not affect society at large

13. In light of the principles laid down by the Hon'ble Supreme Court in ***Gian Singh vs. State of Punjab (supra), Narinder Singh vs. State of Punjab (supra), B.S. Joshi vs. State of Haryana (supra), as well as State of Madhya Pradesh vs. Laxmi Narayan and Others (supra),*** this Court is of the opinion that this is a fit case where the inherent jurisdiction under Section 528 of the BNSS should be exercised to secure the ends of justice.

14. Accordingly, the criminal proceedings in G.R. Case No. 779/2024, arising out of Itanagar Women P.S. Case No. 41/2024, registered under Sections 85/115 of the BNS, including Charge-Sheet No. 104/2024 dated 22.12.2024, pending before the Court of learned Judicial Magistrate First Class, Naharlagun against Petitioner No. 1/accused Shri Raju Pabing, are hereby set aside and quashed in the interest of justice.

15. In terms of the above, the joint petition filed under Section 528 of the BNSS stands allowed and disposed of.

JUDGE

Comparing Assistant