GAHC040011952026

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

Case No. : Crl.Petn./223/2026

Pura Buker and 9 Ors
Son of Late Pura Talo, a resident of Village Hija, PO and PS Ziro, Lower Subansiri District, Arunachal Pradesh. 791120 2: Tok Tagin
Age:
Occupation :
a resident of Village Nirjuli
PO and PS Nirjuli
Papum Pare District
Arunachal Pradesh.

3: Joram Dogur
Age:
Occupation :
Son of Joram Tayam
Sekhjara Village
PO and PS Yachuli
Keyi Panyor District
Arunachal Pradesh.

4: Taba John
Age:
Occupation :
Son of Late Taba Hari
Tarajuli village
PO and PS Naharlagun
Papum Pare District
Arunachal Pradesh.

5: Byabang Laya
Age:
Occupation :
Son of Byabang Kame
Village Radang Palin

PO and PS Palin
Kra Daadi District
Arunachal Pradesh.

6: Tame Tania
Age:
Occupation :
Son of Tame Pokum
Yoglu Village
PO and PS Yachuli
Keyi Panyor District
Arunachal Pradesh.

7: Heri Obi
Age:
Occupation :
Son of Late Heri Talin
resident of Nyokum Lapang
PO and PS Itanagar
Papum Pare District
Arunachal Pradesh.

8: Gyati Tada
Age:
Occupation :
Son of Gyati Talley
Hari Village
PO and PS Ziro
Lower Subansiri District
Arunachal Pradesh.

9: Tailang Pumbo
Age:
Occupation :
Son of Late Tailang Gyute
Kalung Village
PO and PS Ziro
Lower Subansiri District
Arunachal Pradesh.

10: Likha Taram
Age:
Occupation :
Son of Likha Khokam
Yoglu Village
PO and PS Yachuli
Keyi Panyor District
Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Tapi Omo,

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. T. Omo, learned counsel for the petitioners. Also heard Mr. T. Ete, 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 the accused, the informant and the victims praying for quashing and setting aside of the criminal proceedings in G.R. Case No. 83/2024, arising out of Yazali P.S. Case No. 06/2024, registered under Sections 125/281/289/324(5) of the BNS, the order dated 20.01.2025 taking cognizance of the offence, as well as the order dated 04.05.2026, whereby charges were framed under Sections 325(5)/125(1) of the BNS, and the consequential order dated 30.06.2026, pending before the Court of the learned Chief Judicial Magistrate, Ziro.

4. Petitioner No. 1 is the accused, petitioner No. 2 is the informant/victim, and petitioner Nos. 3 to 10 are the victims in the aforesaid case arising out of

Yazali P.S. Case No. 06/2024.

5. The brief facts leading to the filing of the present petition are that on 08.10.2024, petitioner No. 2/informant lodged a written FIR before the Officer-in-Charge, Yazali Police Station, alleging, inter alia, that while all the vehicles were waiting for clearance of the road and were parked on the side, a white dumper/truck, fully loaded with sand gravel, hit the vehicles, numbering about 9 to 10, including the white-coloured Tata Punch belonging to petitioner No. 2. As a result of the collision, the said vehicle went down the hill causing damage to the vehicles belongs to the petitioner Nos. 2 to 10. Accordingly, Yazali P.S. Case No. 06/2024 was registered under Sections 125/281/289/324(5) of the BNS and the same was investigated into. Upon completion of the investigation, the Investigating Officer submitted the charge-sheet on 14.11.2024. The learned Chief Judicial Magistrate, Ziro, took cognizance of the case on 20.01.2025. Thereafter, on 04.05.2026, charges were framed against petitioner No. 1 for offences punishable under Sections 325(5)/125(1) of the BNS. The case is presently pending trial before the Court of the learned Chief Judicial Magistrate, Ziro.

6. Mr. Omo, learned counsel for the petitioners, submits that the accident occurred as a result of a massive landslide and that there was no intentional act on the part of accused/petitioner No. 1. He submits that, although the accident was unintentional, the vehicle belonging to accused/petitioner No. 1 caused damage to the vehicles of petitioner Nos. 2 to 10. Accordingly, accused/petitioner No. 1 has adequately compensated petitioner Nos. 2 to 10 for the damages caused to their respective vehicles.

7. Learned counsel for the petitioners further submits that during the

pendency of the trial, the matter has been amicably settled between the parties by execution of Mutual Settlement Deeds dated 16.06.2026 and 28.07.2026. Pursuant to the settlement, petitioner Nos. 2 to 10 has no grievance against petitioner No. 1 and do not wish to pursue the matter any further.

8. 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.

9. He further submits that the offence under Section 125(1) of the BNS is compoundable in nature, whereas the offence under Section 325(5) of the BNS is non-compoundable.

10. 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 petitioner No. 1 may be quashed by invoking the power under Section 528 of the BNSS.

11. Mr. Ete, learned Additional Public Prosecutor, fairly submits that the incident occurred due to a landslide, resulting in damage to the vehicles of petitioner Nos. 2 to 10 by the vehicle of the accused. However, in view of the amicable settlement between the parties, and considering that accused/petitioner No. 1 has adequately compensated petitioner Nos. 2 to 10 for the damages caused to their vehicles by executing Mutual Settlement Deeds dated 16.06.2026 and 28.07.2026, he has no objection if the prayer of the petitioners for quashing and setting aside of the proceedings is allowed.

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

13. It appears that the incident occurred due to a massive landslide in the area, as a result of which the vehicle of accused/petitioner No. 1 collided with the vehicles of petitioner Nos. 2 to 10 causing damage thereto, which led to the lodging of the FIR by petitioner No. 2. It further appears that the incident occurred due to the result of the said vehicular accident, which caused damage to the vehicles of petitioner Nos. 2 to 10 and that no person sustained any injury in the said accident.

14. It also appears that thereafter, the parties amicably settled the matter by executing Mutual Settlement Deeds dated 16.06.2026 and 28.07.2026, whereby petitioner No. 1 adequately compensated petitioner Nos. 2 to 10 for the damages caused to their vehicles. The settlement deeds reveal that petitioner No. 1 compensated petitioner Nos. 2 to 10 by undertaking repairs of the damaged vehicles and by paying amounts ranging from Rs. 25,000/- to Rs. 2,50,000/- towards the damages caused to the vehicles and the repair expenses.

15. Upon completion of the repairs and receipt of the agreed compensation towards the damages caused to their respective vehicles, petitioner No. 2/informant and petitioner Nos. 3 to 10/victims have stated that they have no further grievance against accused/petitioner No. 1 and that they have received full and final settlement of their claims. They have further expressed their unwillingness to pursue with the matter any further. Petitioner No. 2/informant has also expressed his willingness to cooperate with accused/petitioner No. 1 in seeking withdrawal/quashing of the complaint lodged against him.

16. Since the dispute between the parties has been amicably resolved, continuation of the criminal proceedings would serve no useful purpose. Further, petitioner No. 2/informant and petitioner Nos. 3 to 10/victims have no subsisting grievance against accused/petitioner No. 1 and do not wish to pursue the case. The dispute appears to be essentially personal in nature and does not affect society at large. Having regard to the facts and circumstances of the case, there appears to be only a remote possibility of conviction. In view of the aforesaid circumstances, continuation of the criminal proceedings against the accused would be a futile exercise and would amount to an abuse of the process of law.

17. 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.

18. 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.

19. Accordingly, the proceedings in G.R. Case No. 83/2024, arising out of Yazali P.S. Case No. 06/2024, registered under Sections 125/281/289/324(5) of

the BNS, including the order dated 20.01.2025 taking cognizance of the offences and the subsequent orders dated 04.05.2026 and 30.06.2026, pending before the Court of the learned Chief Judicial Magistrate, Ziro, against the accused, namely, **Shri Pura Buker** (Petitioner No. 1), are hereby quashed in the interest of justice.

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

JUDGE

Sabnam Mepo (SPA)