GAHC040014432026

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

Case No. : Crl.Petn./265/2026

Takam Jumnya and 2 Ors
Son of Late Takam Tagung, resident of Village Baat, Jullang, PO and PS Itanagar,
Papum Pare District, Arunachal Pradesh.

2: Charu Dakey
Age:
Occupation :
Son of Shri Charu Tado
resident of C Sector IB Colony
PO and PS Itanagar
Papum PAre District
Arunachal Pradesh.

3: Smti Licha Tupa
Age:
Occupation :
Daughter of Late Licha Tania
resident of Lower A Sector near Todo Hotel
Itanagar
PO and PS Itanagar
Papum Pare District
Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Teto Taba, Punung Borang,L Koyu,Togam Riram,Nimcha Hondique,Nang walika Jenow,Begi Taba

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 11.09.2026

Heard Mr. Teto Taba, learned counsel for the petitioners. Also heard Ms. L. Hage, learned Addl. Public Prosecutor, Arunachal Pradesh.

2. This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has been jointly filed by the accused/petitioner Nos. 1 & 2, and the informant/petitioner No. 3, praying for quashing and setting aside of the criminal proceedings in G.R. No. 1116/2024 arising out of Itanagar P.S. Case No. 193/2024 registered under Sections 305/3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023, pending trial in the Court of learned Judicial Magistrate First Class, Naharlagun.

3. The brief facts of the case is that based on a written First Information Report(FIR) lodged by the petitioner No. 3 lodged before the Officer-in-Charge, Capital Complex Police Station, Itanagar, inter alia, alleging that some unknown persons trespassed into her building/ construction site and stolen some tie rods and other building materials, the aforementioned police case was registered. Upon completion of the investigation, the police submitted charge-sheet against the accused/petitioner Nos. 1 & 2 for commission of the alleged offence. The learned Magistrate, Yupia, took cognizance of the case and now, the same is pending trial in the Court of learned Judicial Magistrate First Class, Naharlagun, for consideration of charge.

4. The learned counsel for the petitioners submits that during the pendency of the matter, the dispute has been amicably settled between the parties and

accordingly, a deed of settlement agreement was executed between the parties on 28.08.2026, wherein, it is categorically stated that the First Information Report(FIR) was lodged by the informant/petitioner No. 3 against the unknown persons alleging trespass and stealing of construction materials from her building. It is also categorically stated by the informant/petitioner No. 3 in the agreement that since she had received back the suspected stolen building materials and the matter has amicably been resolved between the parties, and that, she has no further grievance against the accused/petitioner Nos. 1 & 2, and she does not wish to pursue the matter any further. The informant/petitioner No. 3 further undertakes to cooperate for filing of the instant criminal petition before this Court for quashing of the proceeding.

5. The learned counsel for the petitioners further submits that since the matter has been amicably resolved between the parties and the informant/ petitioner No. 3 has no further grievance against the accused/ petitioner Nos. 1 & 2, there is no scope of conviction in the case and as such, the further proceeding of the case would be a futile exercise and it would only cause harassment to the parties, therefore, the learned counsel for the petitioners prays for quashing and setting aside of G.R. No. 1116/2024 arising out of Itanagar P.S. Case No. 193/2024 registered under Sections 305/3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023, pending trial in the Court of learned Judicial Magistrate First Class, Naharlagun.

6. Ms. Hage, learned Addl. Public Prosecutor, Arunachal Pradesh, fairly submits that as the matter has been amicably settled between the informant/ petitioner No. 3 and the accused/petitioner Nos. 1 & 2, and that the stolen construction materials have been recovered and returned and handed over back to and returned back to the owner/informant and also considering that a deed of settlement agreement, dated 28.08.2026, has been executed between the

parties, wherein, the informant/ petitioner No. 3 has stated that she has no further grievance against the accused/petitioner Nos. 1 & 2, and do not wish to pursue with the matter any further; she has no objection if the prayer of the petitioners is allowed.

7. I have heard the submissions advanced by the learned counsels for the parties.

8. It appears that the dispute arose between the parties because of alleged trespass and stealing of construction materials from the building/ construction site of the informant by some unidentified persons which resulted in lodging of the aforesaid police case by the informant/petitioner No. 3 as a result of which the accused/petitioner Nos. 1 & 2 were implicated. However, the matter has been amicably settled between the parties by formally executing a deed of settlement agreement on 28.08.2026, and now, the informant/petitioner No. 3 has no further grievance against the accused/petitioner Nos. 1 & 2 and she does not wish to pursue the matter any further. Under the circumstances, it appears that the dispute is purely personal in nature and does not affect the society at large. Given the facts and circumstances of the case, there appears to have been only a remote possibility of conviction and thus, if the proceeding is allowed to be continued; it would only cause harassment to the parties which would rather amount to an abuse of the process of law.

9. The Hon'ble Supreme Court in the case of ***State of Madhya Pradesh v. Laxmi Narayan & ors.,*** reported in ***(2019) 5 SCC 688*** held that the High Court in exercise of inherent power conferred under Section 482 of the Code of Criminal Procedure, 1973, can quash the criminal proceedings even for non-compoundable offences which are private in nature and do no have

serious impact on society on the ground that there is a settlement/compromise between the victim and the offender.

10. In the light of the principle laid down by the Hon'ble Supreme Court in the case of ***Gian Singh v. State of Punjab & anr***., reported in ***(2012) 10 SCC 303***; ***Narinder Singh & ors. v. State of Punjab & anr***., reported in ***(2014) 6 SCC 466***, as well as in the case of ***Laxmi Narayan*** (supra), wherein the Court has permitted quashing of the 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 the Code of Criminal Procedure, 1973/528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, should be exercised to secure the ends of justice.

11. Accordingly, the proceedings in G.R. Case No. 1116/2024 arising out of Itanagar P.S. Case No. 193/2024 registered under Sections 305/3(5) of the Bharatiya Nyaya Sanhita, 2023, pending trial in the Court of the learned Judicial Magistrate First Class, Naharlagun, against the petitioner Nos. 1 & 2, namely, Shri Takam Jumnya and Shri Charu Dakey, is hereby quashed.

12. In terms of the above, the instant joint petition filed by the petitioners under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, stands allowed and disposed of.

JUDGE

Comparing Assistant