GAHC040016382026

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

Case No. : Crl.Petn./318/2026

Kape Gadi and Anr
Son of Late Poka Gadi, a permanent resident of Dapo Camp, PO and PS Tribin,
Leparada District, Arunachal Pradesh. 2: Smti Deknge Mindo
Age:
Occupation :
Wife of Shri Kape Gadi
permanent resident of Dapo Camp
PO and PS Tirbin
Leparada District
Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Lukter Jilen, Geba Lomi,Mitem Ratan

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

29.09.2026

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

2. This application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed jointly by petitioner No. 1 (accused) and petitioner No. 2 (informant), praying for quashing and setting aside of G.R. Case No. 23/2024 and the FIR being Tirbin P.S. Case No. 06/2024, registered under Sections 312/498A/307 of the IPC [corresponding to Sections 88/85/109 of the BNS] against the accused/petitioner No. 1, Shri Kape Gadi.

3. Petitioner No. 1 is the accused/husband of petitioner No. 2, and petitioner No. 2 is the informant/victim/wife of petitioner No. 1 in the aforesaid case arising out of Tirbin P.S. Case No. 06/2024.

4. The brief facts leading to the filing of the present petition are that the informant/victim/petitioner No. 2 lodged a written complaint on 07.05.2024 before the Officer-in-Charge, Women Police Station, Itanagar, alleging that the accused/petitioner No. 1 had physically assaulted, mentally harassed, and ill-treated her, causing hurt and miscarriage, and had made a life-threatening attempt to murder her, and seeking necessary legal action. Accordingly, upon receipt of the complaint from petitioner No. 2, the Officer-in-Charge, Women Police Station, Itanagar, registered Tirbin P.S. Case No. 06/24, under Sections 312/498A/307 of the IPC, and investigation was taken up. Upon completion of the investigation, the Investigating Officer submitted Charge-Sheet No. 10/24

dated 24.08.2024 against the accused/petitioner No. 1 for commission of offences punishable under Sections 312/498A of the IPC and found that no prima facie material was available against the accused/petitioner No. 1 for the offence under Section 307 of the IPC. Accordingly, Section 307 of the IPC was not included in the charge-sheet. At present, the matter is pending before the Court of the learned Chief Judicial Magistrate, Aalo.

5. Mr. Jilen, learned counsel for the petitioners, submits that both the petitioners are husband and wife and that the FIR was lodged due to a misunderstanding between the parties, which resulted in petitioner No. 2 temporarily losing consciousness. During the pendency of the trial, the matter has been amicably resolved between the parties, and they have executed a Mutual Compromise Deed dated 29.08.2026. He further submits that petitioner No. 1 (accused) and petitioner No. 2 (informant) have expressed that they are not willing to proceed with the matter any further, as the incident arose out of a personal dispute between the parties. Further, petitioner No. 2 has no grievance against the accused/petitioner No. 1 and does not wish to pursue the matter any further.

6. In view of the facts and circumstances stated above, learned counsel for the petitioners submits that, since the matter has been amicably settled 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.

7. Ms. Hage, learned Additional Public Prosecutor, fairly submits that, in view of the amicable settlement between the parties, considering that the incident allegedly occurred due to a personal dispute between the husband and wife, and that the informant/petitioner No. 2 has no further grievance and does not

wish to pursue the matter, she has no objection if the prayer of the petitioners is allowed.

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

9. The present case arose out of marital discord between the informant and her husband/petitioner No. 1, arising from allegations of assault during a personal dispute between the parties. During the pendency of the trial, the matter has been amicably settled by execution of the Mutual Compromise Deed dated 29.08.2026 between petitioner No. 1 and petitioner No. 2. Petitioner No. 2 now has no grievance against the accused/petitioner No. 1 and does not wish to pursue the case any further. The dispute appears to be personal in nature and does not affect society at large. Given the facts and circumstances of the case, there is only a remote possibility of conviction. In the facts and circumstances of the case, continuation of the criminal proceedings would, therefore, be a futile exercise and would amount to an abuse of the process of law.

10. 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.

11. 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.

12. Accordingly, the proceedings arising out of G.R. Case No. 23/2024 and the FIR being Tirbin P.S. Case No. 06/2024, registered under Sections 312/498A of the IPC [corresponding to Sections 88/85 of the BNS], as well as the subsequent charge-sheet being C.S. No. 10/24 dated 24.08.2024, registered under Sections 312/498A of the IPC, pending before the Court of the learned Chief Judicial Magistrate, Aalo, and any other proceedings arising out of the same case, if any, against the accused, namely, Shri Kape Gadi (petitioner No. 1), are hereby quashed in the interest of justice.

13. With the above, this petition stands disposed of.

JUDGE

Sabnam Mepo (SPA)