GAHC040016502026

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

Case No. : Crl.Petn./319/2026

Smti Taba PakapWife of Shri Taba Tana, permanent resident of Tarajuli Village, PO and PS Naharlagun, Papum Pare District, Arunachal Pradesh.

2: Taba Tana
Age: Occupation :
Son of Late Taba Hari
permanent resident of Tarajuli Village
PO and PS Naharlagun Papum Pare District Arunachal Pradesh

VERSUS

The State of AP represented by the PP of AP

Advocate for the Petitioner : Taba Topu, Tem Pahi,Tokdak Tamin,Likha Kagung
Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 30.09.2026

Heard Mr. G. Kato, learned counsel for the petitioners. Also heard Mr. Token Ete, 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 informant-wife/petitioner No. 1 and the accused-husband/petitioner No. 2, praying for quashing and setting aside of

G.R. No. 73/2018 arising out of Itanagar Women P.S. Case No. 02/2018 registered under Sections 498(A)/323 of the Indian Penal Code, 1860, pending trial in the Court of learned Judicial Magistrate First Class, Yupia.

3. The brief facts of the case is that based on a written First Information Report(FIR) lodged by the petitioner No. 1/wife of the petitioner No. 2, before the Officer-in-Charge, Itanagar Women Police Station, on 23.01.2018, against her husband/petitioner No. 2, alleging, physical assault and domestic violence inflicted against her by the petitioner No. 2/husband; the aforementioned police case was registered. Upon completion of the investigation, the police submitted Charge Sheet No. 14/2018 dated 23.03.2018 against the petitioner No. 2, for commission of the alleged offence. The learned Magistrate, Yupia, took cognizance of the case and now, the same is pending for consideration of charge before the Court of learned Judicial Magistrate First Class, Yupia.

4. The learned counsel for the petitioners submits that during the pendency of the case; the informant-wife/petitioner No. 1, and the accused-husband/ petitioner No. 2, in the interest of maintaining peaceful atmosphere at home with mutual understanding, love and respect to each other, and on the advise of their family members, have amicably resolved their dispute and formally, executed a deed of settlement on 23.08.2026, wherein, the informant-wife/petitioner No. 1 has categorically stated that though she lodged the First Information Report (FIR) out of sudden provocation, however, she has forgiven her accused-husband/ petitioner No. 2 and after the occurrence of the alleged incident, they are now living together happily and she has no further grievance against the accused-petitioner No. 2 and therefore, she does not want to pursue with the matter any further.

5. The learned counsel for the petitioners further submits that the matter having been amicably resolved between the parties, the informant-petitioner No. 1 has no further grievance against the accused-petitioner No. 2; that there is no scope of conviction in the case and, in such a situation, continuance of the proceedings would be a futile exercise and would only cause harassment to both the accused and the informant, and therefore, the learned counsel for the petitioners prays for quashing and setting aside of the proceeding of G.R. No. 73/2018 arising out of Itanagar Women P.S. Case No. 02/2018 registered under Sections 498(A)/323 of the Indian Penal Code, 1860, pending trial in the Court of learned Judicial Magistrate First Class, Yupia.

6. Mr. Ete, learned Addl. Public Prosecutor, fairly submits that the matter having been amicably settled between the informant and the accused, who are husband and wife, and the allegations made in the First Information Report(FIR) itself indicating that the dispute arose out of a matrimonial discord between them; and further, a mutual deed of settlement, dated 23.08.2026, having been executed between both the parties, wherein, the informant-wife has categorically stated that she has no further grievance against the accused-husband and does not wish to pursue the matter any further; and also considering that though the FIR was registered and the charge-sheet was submitted in the year 2018, cognizance was taken only in the year 2025, he 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 present case arose out of a dispute between the wife and the husband due to physical assault and domestic violence allegedly inflicted

by the accused-petitioner No. 2 on his wife-petitioner No. 1, which resulted in a matrimonial discord between both the petitioners, leading to lodging of the aforesaid police case by the petitioner No. 1 against the petitioner No. 2. However, subsequently, the matter has been amicably settled between the parties by formally executing a mutual deed of settlement on 23.08.2026, wherein, the informant-petitioner No. 1 has categorically stated that though she lodged the First Information Report(FIR) out of sudden provocation, however, she has forgiven the accused-petitioner No. 2 and, hence, she has no further grievance against him and does not wish to pursue the matter any further. Under the circumstances, it appears that the dispute is purely personal in nature and has arisen out of a marital discord between the husband-petitioner No. 2 and the wife-petitioner No. 1. It also appears that the dispute 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 continue; it would only cause harassment to both 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. No. 73/2018 arising out of Itanagar Women P.S. Case No. 02/2018 registered under Sections 498(A)/323 of the Indian Penal Code, 1860, pending trial in the Court of learned Judicial Magistrate First Class, Yupia, against the petitioner No. 2 Shri Taba Tana, 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