GAHC040016572026

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

Case No. : Crl.Petn./321/2026

Takam Taha and Anr
Son of Late Takam Takap,
resident of Raktam Colony,
PO Jullang,
PS Itanagar,
Papum Pare District,
Arunachal Pradesh.

2: Smti Takam Sonia Dohu
Age:
Occupation :
Wife of Shri Takam Taha
resident of Raktam Colony
Jullang
PO RK Mission
PS itanagar
Papum Pare District
Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Rahul Barman, Risso Aking,Duggong Apang,Tai Dool,Keten Tabang

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 30-09-2026

Heard Mr. K. Tabang, learned counsel for the petitioners and Ms. T. Jini, learned Additional Public Prosecutor for the State.

2. This application under Section 528 of the BNSS, 2023 has been filed jointly by the Petitioner No. 1/accused (husband) and the Petitioner No. 2/informant (wife), praying for quashing and setting aside G.R. Case No. 378/2026 arising out of Itanagar W.P.S. Case No. 32/2026 under Sections 85/115(2) of the BNS, 2023, pending before the Court of learned Judicial Magistrate First Class, Naharlagun.

3. The case of the petitioners, leading to the filing of the present Criminal Petition, is that on 21.04.2026, Petitioner No. 2/informant (wife) lodged a written FIR before the Officer-in-Charge, Itanagar Women Police Station, against Petitioner No. 1/accused (husband), *inter alia*, alleging that he had physically assaulted her by punching and kicking her, thereby causing injuries to her body. She also alleged criminal intimidation, house trespass and misuse of official position.

4. On the basis of the aforesaid FIR, Itanagar W.P.S. Case No. 32/2026 was registered under Sections 85/115(2) of the BNS, 2023. Upon completion of the investigation, the Investigating Officer submitted Charge-Sheet No. 47/2026, dated 19.06.2026, against Petitioner No. 1/accused (husband) for the offences punishable under Sections 85/115(2) of the BNS, 2023. The case is presently pending before the Court of learned Judicial Magistrate First Class, Naharlagun

and is at the stage of appearance.

5. Mr. Tabang, learned counsel appearing for the petitioners, submits that during the pendency of the proceedings, the petitioners, with the intervention of their relatives and well-wishers, amicably settled their disputes on 12.02.2026 through a Mel resolution. Subsequently, on 05.09.2026, the informant (wife) and the accused (husband) formally executed a Deed of Agreement recording their settlement. Learned counsel for the petitioners further submits that, since the matter arises out of a matrimonial dispute and the parties have mutually settled their differences, they are now happily living together as husband and wife, the informant (wife) has no further grievance against the accused (husband) and does not wish to pursue the criminal proceedings any further.

6. Learned counsel for the petitioners, therefore, submitted that, in view of the amicable settlement arrived at between the parties and the fact that they are presently living together peacefully as husband and wife, continuation of the criminal proceedings against Petitioner No. 1/accused (husband) would serve no useful purpose and would result in unnecessary harassment and hardship to the parties. Learned counsel for the petitioners, accordingly, prays that this Hon'ble Court may be pleased to quash and set aside the further proceedings arising out of Itanagar W.P.S. Case No. 32/2026, including Charge-Sheet No. 47/2026, dated 19.06.2026, pending before the learned Judicial Magistrate First Class, Naharlagun, in the interest of justice.

7. Ms. Jini, 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, she submits that she 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 05.09.2026. 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 Itanagar W.P.S. Case No. 32/2026, registered under Sections 85/115(2) of the BNS, 2023 and the consequential proceedings arising therefrom, including Charge-Sheet No. 47/2026 dated 19.06.2026, pending before the Court of learned Judicial Magistrate First Class, Naharlagun against Petitioner No. 1/accused Shri Takam Taha, 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

CHECKED & VERIFIED

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by Jumbi Bam
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