GAHC040017562026

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

Case No. : Crl.Petn./339/2026

Kamdan Mossang and 2 Ors
Son of Late Wangdung Mossang, TR Camp No.5, Miao, Changlang District.

2: Mrs Tsering Youdon
Age: Occupation :
Daughter of Tsering Dorjee resident of TR Camp No.5 Miao
Changlang District Arunachal Pradesh.

3: Tamding Dorjee
Age: Occupation :
Son of Shri Pema Dukgal resident of TR Camp No.5
PO and PS Miao Changlang District Arunachal Pradesh

VERSUS

The State of AP represented by the PP of AP

Advocate for the Petitioner : Tojam Mossang, Phunai Wangpan,Charu Bosco,Yanum Singhi
Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 15.10.2026

Heard Ms. Tojam Mossang, learned counsel, appearing on behalf of the petitioners. Also heard Mr. Token Ete, learned Addl. P.P., Arunachal Pradesh, appearing on behalf of the sole respondent.

2. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita(BNSS), 2023, has been jointly filed by the informant and the accused persons, praying for quashing and setting aside of the proceedings of G.R. No. 97/2026 arising out of Miao P.S. Case No. 06/2017 registered under Sections 447 and 326 of the Indian Penal Code, 1860, pending trial in the Court of the learned Judicial Magistrate First Class, Changlang.

3. The accused/petitioner No. 1 is the brother-in-law of the victim/ petitioner No. 3, and the informant/petitioner No. 2 is the daughter of the victim/petitioner No. 3 in the aforesaid Miao P.S. Case No. 06/2017.

4. The case of the petitioners is that based on a written First Information Report(FIR) lodged by the informant/petitioner No. 2 before the Officer-in-Charge, Miao Police Station, on 06.02.2017, against the accused/petitioner No. 1, alleging, criminal trespass and voluntarily causing grievous injury to the victim/petitioner No. 3; the aforesaid police case has been registered. Upon completion of the investigation, the police submitted Charge Sheet No. 09/2017 dated 29.03.2017 against the accused/petitioner No. 1, for commission of the alleged offence. The learned Magistrate, Changlang, took cognizance of the case and now, the same is pending for consideration of charge in the Court of the learned Judicial Magistrate, First Class, Changlang.

5. It is submitted by the learned counsel for the petitioners that during the pendency of the case, with the intervention of family members and elders, the parties have resolved their disputes amicably by executing a deed of amicable settlement on 10.10.2026. It is categorically stated in the deed of settlement that the First Information Report(FIR) dated 06.02.2017 was lodged by the informant/ petitioner No. 2 against the accused/petitioner No. 1 due to certain

misunderstandings. In the said deed of settlement, it has also been stated that the medical expenses for treatment of the injuries sustained by the victim/ petitioner No. 3 during the incident, has been borne by the accused/petitioner No. 1 and as such, both the informant/petitioner No. 2 and the victim/petitioner No. 3 have pardoned the accused/petitioner No. 1 with a view to maintain peace, harmony and cordial relation between the parties. Further, in the agreement, the parties have also agreed to cooperate and take steps for quashing of the present case pending against the accused/petitioner No. 1. Since the matter has been amicably settled between the parties for maintaining peaceful co-existence, both the informant/petitioner No. 2 and the victim/petitioner No. 3 do not have any grievance against the accused/petitioner No. 1, therefore, they do not wish to pursue with the matter any further.

6. Learned counsel for the petitioners further submits that under the circumstances, there is no scope of conviction in the present case even if the trial is allowed to continue, rather, it would be a futile exercise causing unnecessary harassment to all the parties which would amount to an abuse of process. Thus, by way of filing the present criminal petition before this Court, the petitioners have jointly prayed for quashing and setting aside of the proceedings of G.R. No. 97/2026 arising out of Miao P.S. Case No. 06/2017 registered under Sections 447 and 326 of the Indian Penal Code, 1860, pending trial before the Court of learned Judicial Magistrate First Class, Changlang.

7. Mr. Ete, learned Addl. Public Prosecutor, Arunachal Pradesh, fairly submits that in view of the amicable settlement arrived at between the parties as well as the fact that the informant/petitioner No. 2 and the victim/petitioner No. 3 have no further grievance against the accused/ petitioner No. 1, and do not wish to pursue with the matter any further; he has no objection if the prayer of the petitioners is allowed.

8. I have heard the submissions advanced by the learned counsels for the parties and also perused the record.

9. The present case arises out of a written First Information Report (FIR) dated 06.02.2017, lodged by the informant/petitioner No. 2 before the Officer-in-Charge, Miao Police Station, against the accused/petitioner No. 1, alleging, criminal trespass and causing grievous injury to the victim/petitioner No. 3 and resulting in the registration of the aforesaid police case and subsequent filing of the charge-sheet against the accused/petitioner No. 1. However, during the pendency of the trial, the parties have amicably settled the matter and executed a deed of amicable agreement dated 10.10.2026. In the said deed of settlement, it has been categorically stated that the dispute has been amicably settled by the parties and the victim/petitioner No. 3 and the informant/ petitioner No. 2 do not wish to pursue the case against the accused/petitioner No. 1, any further. The dispute appears to be 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. In view of the above, continuation of the criminal proceedings against the accused /petitioner No. 1 would 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 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.

11. 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.

12. Accordingly, the proceedings of G.R. No. 97/2026 arising out of Miao P.S. Case No. 06/2017 registered under Sections 447 and 326 of the Indian Penal Code, 1860, pending trial before the Court of learned Judicial Magistrate, First Class, Changlang, against the accused/petitioner No. 1, namely, Shri Kamdan Mossang, is hereby quashed.

13. 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