GAHC020007582026 2026:GAU-NL:535

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

Case No. : Crl. Pet./33/2026

SHRI NGUKATO AND 3 ORS
R/O NIHOTO VILLAGE, NIULAND, NAGALAND

2: SHRI HOIKHU
R/O NIHOTO VILLAGE
NIULAND
NAGALAND

3: SHRI MUSTU
R/O NIHOTO VILLAGE
NIULAND
NAGALAND

4: SHRI HEVETO
R/O NIHOTO VILLAGE
NIULAND
NAGALAN

VERSUS

THE STATE OF NAGALAND AND 3 ORS
REPRESENTED BY THE PUBLIC PROSECUTOR

2:VIHOKHU VILLAGE COUNCIL
REPRESENTED BY ITS CHAIRMAN
NIULAND
NAGALAND - 797116

3:SHRI TOHOVI AYEMI
S/O VIKHETO AYEMI
R/O VIHOKHU VILLAGE
NIULAND
NAGALAND - 797116

4:NIHOTO VILLAGE COUNCIL
REPRESENTED BY ITS CHAIRMAN
NIULAND
NAGALAND - 79711

Advocate for the Petitioner : I JAMIR,

Advocate for the Respondent : P.P, NAGALAND,

BEFORE
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

Date : 08.10.2026

1. The instant petition has been filed under Section 528 of the BNSS, 2023 praying for quashing of an FIR No. 0020/2026 dated 23.08.2026, in connection with Niuland Police Station G.D. Entry No. 03/2026 U/S 109/118(1)(2)/126(2)/127(2)/140(2)/351(2)(3)/3(5), of the BNS, 2023 R/w Section 27(2) of the Arms Act, 1959 and also the subsequent proceedings of G.R. No. 487/2026, pending before the Court of the Principal District & Sessions Judge, Dimapur.

2. Heard learned counsel or the Petitioners, Mr. I. Jamir. Also heard Ms. Keti Imchen, learned counsel for the Respondent Nos. 2 and 3 and learned Public Prosecutor, Mr. E. Thiba Phom, for the State Respondents.

3. The instant application has been preferred by the Petitioner on the ground that during the pendency of the G.R. No. 487/2026, the Petitioner/Accused persons and the Complainant/Respondent Nos. 2 and 3 have amicably entered into a compromise settlement and in pursuance of the said settlement an agreement has been entered into between the

parties on 25.08.2026. It is also submitted that the Petitioners and the Respondent Nos. 2 and 3 are all residents of Vihokhu Village and Nihoto Village and they are known to each other and the villages share a brotherly relationship and the parties involved in the incident have resolved to settle the issue in the presence of the Councils of the two villages. It is submitted that since the agreement has been executed voluntarily and with free will by both the parties without any force, threat or coercion, it is prayed that the said impugned FIR and the pending proceedings may be closed in view of the settlement.

4. The learned counsel appearing for the Respondent Nos. 2 and 3 has also submitted that by filing affidavit-in-opposition the Respondents have also adopted the submissions made by the learned counsel for the Petitioners in view of the fact that the agreement of compromise dated 25.08.2026 was made voluntarily and was not procured by fraud or coercion. Respondent Nos. 2 and 3 in the affidavit have also stated that the Respondents have no grievances against the Petitioners and since two villages of Nihoto and Vihokhu share a brotherly relationship and have decided to live in peace with each other. In view of such facts it is stated that the Respondent Nos. 2 and 3 have no objection if the relief prayed for by the Petitioners is granted by this Court.

5. Learned Public Prosecutor, Mr. E. Thiba Phom, has also submitted that since the Complainants and the Accused persons have already entered into a compromise to settle the matter amicably, he submits that the matter is left to the discretion of this Court.

6. This Court has considered the submissions made by the learned counsel for the parties and perused the pleadings and the annexures therein. It is seen that pursuant to an altercation which took place at Vihokhu Village at 22.08.2026 involving the Petitioners and the Respondent Nos. 2 and 3 a written complaint was lodged at the Niuland Police Station on 23.08.2026 by the Respondent Nos. 2 and 3. It is seen that on the basis of the written complaint the Niuland Police Station had registered an FIR on 23.08.2026 against the Petitioners U/S 109/118(1)(2)/126(2)/127(2)/140(2)/351(2)(3)/3(5), of the BNS, 2023. Thereafter, the case was registered as G.R. No. 487/2026. During the process of investigation, the Petitioners and the Respondent Nos. 2 and 3 have settled the matter amicably and entered into a compromise by signing an agreement dated 25.08.2026. This Court has also perused the compromise agreement and it is seen that the compromise agreement states that the agreement is entered into voluntarily and with the free consent of both the parties without force, threat, coercion or without any undue influence and in the presence of both the Vihokhu Village Council and the Nihoto Village Council. It is also stated in the agreement that the victims and accused persons are residents of the two villages and as the two villages share a brotherly relationship, in order to maintain and preserve such relationship between the two villages, they have mutually agreed and settled the issue between the parties and that they have agreed to withdraw the FIR which was registered on 22.08.2026.

7. In view of the above facts and circumstances, this Court is of the view it would be a futile exercise to continue with the criminal proceedings in the instant case as it would not result in a conviction. In fact, continuing

with the futile investigation would cause unnecessary expenditure of the limited resources of the State and wastage of precious public time for the investigating agency.

8. Accordingly, the petition is allowed and the impugned FIR No. 0020/2026 dated 23.08.2026 as well as the proceedings of G.R. No. 487/2026 pending before the Court of the Principal District & Sessions Judge, Dimapur are quashed and set aside.

9. Petition accordingly stands disposed of.

JUDGE

Comparing Assistant