GAHC020007872026 2026:GAU-NL:540

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

Case No. : Crl. Pet./36/2026

PRANJEET CHAKARVARTY
S/O PABIN CHAKARVARTY, R/O JOYPUR, ASSAM, P.S. LATASIL,
DISTRICT - KAMRUP, METROPOLITAN, STATE OF ASSAM

VERSUS

THE STATE OF NAGALAND AND ANR
PUBLIC PROSECUTOR, NAGALAND

2:SMTI. HIMADRI SHARMA
W/O PRANJEET CHAKARVARTY
R/O P.W.D. COLONY
KOHIMA
NAGALAN

Advocate for the Petitioner : NANCY LOTHA, NULHUVOLU,KHRIEKETHONUO

Advocate for the Respondent : P.P, NAGALAND,

BEFORE
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER

JUDGMENT

Date : 09-10-2026

The instant application under section 528 of the BNSS 2023 has

been preferred by the petitioner seeking quashing of the FIR, Charge sheet and all consequential criminal proceedings arising out of Kohima Women Police Station FIR Case .0004/2026 under section 85 of the BNS, 2023.

2. Heard the learned counsel for the petitioner Ms. Nancy Lotha. Also heard Ms. S. Mere, learned P.P. for the State respondent and Ms. Ameru Tetseo, learned counsel for the respondent No.2.

3. The facts leading to the filing of the instant case is that on 18.04.2026, the informant/complainant was received at South Police Station Kohima which was subsequently re-directed to Women Police regarding a dispute between the accused/petitioner and the complainant/respondent No.2. Pursuant thereto a regular case was registered on 19.04.2026 vide Kohima Women Police Station FIR Case No.0004/2026 under sections 85, 115(2), 351(3) and 131 of the BNS 2023.

4. The accused/petitioner was apprehended from PWD colony Kohima and was formally arrested on 19.04.2026. Subsequently, a charge-sheet was also filed by the I.O. The petitioner/accused was enlarged on bail by the Sessions Court by order dated 23.04.2026.

5. During the pendency of the proceeding, the complainant/respondent No.2 and the accused/petitioner entered into an amicable settlement and executed a compromise deed dated 25.04.2026. Based on the said compromise deed dated 25.04.2026, the petitioner is before this Court praying for quashing of the criminal proceeding against him.

6. The learned counsel for the petitioner Ms. Nancy Lotha submits that the petitioner and the respondent No.2 are husband and wife and the

matter has arisen out of domestic dispute. She submits that the parties have settled the matter among themselves and as they also have a son, they have decided that they will settle the matter outside the Court in order to avoid further misunderstanding and to maintain peace and harmony in the house.

7. The learned counsel for the respondent No.2 Ms. Ameru Tetseo has also submitted that by filing an affidavit, the respondent No.2 has not denied the contention of the petitioner and in the affidavit it is stated that dispute between her and the petitioner arose out of a matrimonial discord and personal differences however, they have amicably settled the matter and a compromise cum settlement agreement dated 25.04.2026 has been arrived at voluntarily and out of her freewill and she further states that she has no grievance against the petitioner.

8. It is the further submission of the learned counsel for the respondent No.2 that she and the petitioner have resolved their differences and have decided to maintain peace and harmony. She has also submitted that she has no objection if the instant petition is allowed.

9. The learned P.P. Ms. Mere appearing for the State respondents submitted that offence under section 85 BNS is non compoundable. However, in view of the fact that the dispute has arisen between husband and wife and is purely a matrimonial dispute, the matter is left to the discretion of the Court.

10. This Court has duly considered the submission made by the learned counsel for the parties and perused the pleadings.

11. It is seen that the FIR dated 18.04.2026 was lodged by the respondent No.2 on the ground that the petitioner had created a scene in

the office premises where she worked and that he had pulled her hair and kicked her and tried to hit her in front of her colleagues.

12. This Court had also perused the deed of compromise settlement dated 24.04.2026 executed between the petitioner and the respondent No.2. A perusal of the deed of settlement cum compromise shows that the parties are legally husband and wife and out of their wedlock, a minor child aged about 6 years has been born. It is also stated in the compromise deed that the FIR arose out of matrimonial discord, misunderstanding and emotional stress without any deliberate or malicious criminal intent. Accordingly, the parties declared in the compromise deed that the same is entered voluntarily without coercion, undue influence or pressure and both the parties agreed that the welfare and upbringing of their minor child is paramount. It is further stated in the compromise deed that the respondent No.2 has no objection if the criminal proceedings are quashed and it is further recorded in the compromise deed that the parties have decided to jointly approach the Court for quashing of the criminal proceedings.

13. A perusal of the said compromise deed as well as the affidavit filed by the respondent No.2 shows that the instant case arose out of matrimonial discord between husband and wife and is a pure internal family matter. This Court is therefore, of the view that no useful purpose will be served by continuing with the criminal proceeding as it is not likely to end in conviction.

14. In view of the above findings, the criminal proceeding is allowed and the impugned Women PS Case No.0004/2026 dated 19.04.2026 corresponding to G.R 36/2026 and the consequential criminal proceedings

are quashed and set aside.

JUDGE

Comparing Assistant