

GAHC010024802026



2026:GAU-AS:2243

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

Case No. : Crl.Pet./213/2026

ANAMUL HAQUE AND 5 ORS.
S/O LATE ABDUL HAI
VILL- BIJNI GAON P.S.- BIJNI DIST- CHIRANG, ASSAM, PIN- 783390

2: MAFIZUL HAQUE
SON OF LATE MANSUR ALI
RESIDENT OF AMINPARA
ROWTA
P.S. UDALGURI
DIST. UDALGURI
ASSAM

3: ENAMUL HAQUE
S/O HUJAHID ALI
RESIDENT OF AMINPARA
ROWTA
P.S. UDALGURI
DIST. UDALGURI
ASSAM
PIN-784514

4: RAFIQUUL ISLAM
SON OF LATE HASSER ALI
RESIDENT OF AMINPARA ROWTA
P.S. UDALGURI
DIST. UDALGURI
ASSAM

5: AZIZUL HAQUE
SON OF HASAR ALI
R/O AMINPARA ROWTA
P.S. UDALGURI
DIST. UDALGURI
ASSAM

PIN-784514

6: ASHRAFUL ALAM
S/OLT. ABDUL AWAL

RESIDENT OF DHING ROAD
BIDYANAGAR
RANGAGARA
P.S. HAIBARGAON
DIST. NAGAON
ASSAM
PIN-782002

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A K BHUYAN, N.R. SHARMA, MS. N CHOUDHURY, MS. P KASHYAP, P BHOWMICK

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

ORDER

16-02-2026

Heard Mr. A. K. Bhuyan, learned counsel for the petitioner No.1, as well as Mr. A. Sarma, learned counsel appearing on behalf of Mr. N. R. Sarma, learned counsel for the petitioner Nos. 2, 3, 4 and 5. Also heard Mr. K.K. Das, learned Additional Public Prosecutor, for the State respondent.

2. This is an application filed under Section 528 of the BNSS, 2023 for quashing of a criminal proceeding arising out of the FIR filed at Bijni Police Station, which was registered as Bijni P.S. Case No. 138/2025 dated 21.11.2025

under Sections 61(2)/318(2)/318(4)/316(2) of the BNS, 2023.

3. It is submitted by Mr. Bhuyan, learned counsel for the petitioner No.1 that he is the informant of this case and lodged an FIR against the petitioner Nos. 2, 3, 4 and 5 with the allegation of non-payment of money after entering into an agreement which has been described in the FIR lodged by him.

4. The basic allegation is that the petitioner No.1 is the registered owner of two vehicles as mentioned in the FIR and the petitioner Nos. 2, 3, 4 and 5 took the vehicle for an amount of Rs.14,60,000/-, but subsequently, the petitioner Nos. 2 to 5 refused to pay the full amount, rather, threatened the petitioner No.1 and for that only the FIR was lodged. But during the pendency of the investigation all the petitioners arrived at a settlement and payment has been accordingly made and hence, at this stage, the informant as petitioner No.1 and the other petitioners named in the FIR came before this Court as petitioner Nos. 2 to 5 for quashing for the said FIR.

5. Further, it is submitted by Mr. Bhuyan, learned counsel for the petitioner No.1, that petitioner No.6 is the person who also received a Notice under Section 35(3) BNSS from the police asking him to appear before the I.O. on 28.12.2025. But as the matter has already been settled and the informant/petitioner No.1 and other petitioner Nos. 2 to 5 jointly filed this petition, there is no reason to appear before the I.O. in compliance of the notice under Section 35(3) BNSS which was received by the petitioner No.6.

6. Mr. Sarma, learned counsel as well as Mr. Bhuyan, learned counsel for the petitioners submitted that considering the amicable settlement between the parties and that apart, it is basically a civil dispute which has already been resolved between the parties the matter may be disposed of.

7. Mr. Das, learned Addl. PP submitted that the State has no objection if the parties have arrived at an amicable settlement and with the leave of the Court the matter may be disposed of.

8. Mr. Bhuyan, learned counsel also relied on a decision of the Hon'ble Supreme Court in the case of **State of Madhya Pradesh Vs. Laxmi Narayan and others** reported in **(2019) 5 SCC 688** and basically emphasized on para sub para 29.4 of para 14, which read as under:-

“29.4 On the other hand, those criminal cases having overwhelming and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.”

9. I have heard the submissions made by the learned counsel for both sides and also perused the case records and the annexures appended thereto, wherein also it is seen that some of the amount has been paid by the petitioner Nos. 2, 3, 4 and 5 towards the agreement to the petitioner No.1 and the matter has already been settled between the parties for which both the informant as well as the accused petitioners have jointly come before this Court with a petition for quashing of the FIR.

10. Further, it is seen that the case is also basically civil in nature, wherein only the monetary dispute was there and which has been settled amicably by the parties.

11. The Hon'ble Supreme Court in the case **Gian Singh** (supra), the Hon'ble Supreme Court had observed that *“the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise*

between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High court shall be well within its jurisdiction to quash the criminal proceeding.”

12. Accordingly, the FIR lodged by the petitioner No.1 against the petitioner Nos. 2, 3, 4 and 5 is hereby set aside and quashed in by invoking the power under Section 528 BNSS and accordingly, the FIR filed in Bijni P.S. Case No. 138/2025 dated 21.11.2025 under Sections 61(2)/318(2)/318(4)/316(2) of the BNS, 2023 is hereby set aside and quashed.

13. However, as the petitioner No.6 is not named in the FIR and only during the pendency of this case, a notice under Section 35(3) was issued to him to appear before the I.O., this Court do not find any necessity to pass any order of quashing against the petitioner No.6, at this stage.

14. Accordingly, this criminal petition stands allowed and disposed of.

JUDGE

Comparing Assistant