

GAHC010063912026



2026:GAU-AS:4607

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

Case No. : Crl.Pet./469/2026

SMT SIKHAMONI BRAHMA AND ANR
D/O- PUTUL BRAHMA RESIDENT OF NO.2 KRISHNAPUR, POST OFFICE-
GOHPUR, P.S.-GOHPUR, DISTRICT- BISWANATH, ASSAM, PIN-784168

2: SRI PRANJIT BASUMATARY
SON OF BIREN BASUMATARY
RESIDENT OF NO. 2 KRISHNAPUR
P.O. GOHPUR
P.S. GOHPUR
DIST. BISWANATH
ASSAM
PIN-784168

2: SRI PRANJIT BASUMATARY
SON OF BIREN BASUMATARY RESIDENT OF NO.2 KRISHNAPUR
POST OFFICE-GOHPUR
P.S.-GOHPUR
DISTRICT- BISWANATH
ASSAM
PIN-784168

VERSUS

THE STATE OF ASSAM
REPRESENTED BY ITS PUBLIC PROSECUTOR, GOVT. OF ASSAM.

Advocate for the Petitioner : MR. L GOGOI,

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

31.03.2026

Heard Mr. L. Gogoi, the learned counsel appearing for the petitioners. Also heard Mr. D.P. Goswami, the learned Addl. Public Prosecutor, Assam.

2. This is a joint application under Section 528 of the BNSS, 2023 praying for quashing the proceedings of PRC Case No.11/2026 arising out of Gohpur P.S. Case No.127/2025 pending in the court of the learned Sub-Divisional Judicial Magistrate (M), Gohpur, Biswanath, Assam.

3. Both the petitioners are living together as husband and wife. On 18.12.2025, the said wife has lodged an FIR before police that she was maintaining relationship with the petitioner Pranjit Basumatary for a period of more than 10 years. Prior to 4/5 months of lodging the FIR, both of them were living together as husband and wife. She became pregnant and she wanted to give birth to their child. The petitioner Pranjit was against it. He compelled her to consume contraceptives. She again became pregnant and this time also, he compelled her to consume contraceptive tablets.

4. The petitioner submits that she felt that Pranjit was preparing to marry another woman.

5. Now, both Pranjit Basumatary and the girl have come together to this Court stating that they have already compromised their disputes. They have also entered into a written deed of settlement on 24th December, 2025.

6. I have considered the submissions made by the learned counsel of both sides.

7. The guidelines for consideration of a petition under Section 482 of the CrPC has

been laid down by the Hon'ble Supreme Court in *State of Haryana v. Bhajan Lal*, AIR 1992 SC 604. Paragraph 102 of the judgment reads as under:

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

- (1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.
- (2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.
- (3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.
- (4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.
- (5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.
- (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.
- (7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

8. The Apex Court in the case of [*Nikhil Merchant v. Central Bureau of Investigation and An.*](#), reported in (2008) 9 SCC 677, held that when a compromise has been arrived at between the parties, by which the parties have withdrawn all claims and

allegations against each other, technicality should not be allowed to stand in the way in quashing the criminal proceedings since the same would be a futile exercise.

9. Reverting to the case in hand, this Court is of the opinion that since the parties have already settled their disputes and under the given circumstances there is no possibility of conviction of anyone in this case. Therefore, allowing criminal proceedings to continue before the trial court, would be nothing but an abuse of the process of the court. This is a fit case for exercising the power under Section 528 of the BNSS, 2023.

10. The criminal proceedings of PRC Case No.11/2026 arising out of Gohpur P.S. Case No.127/2025 pending in the court of the learned Sub-Divisional Judicial Magistrate (M), Gohpur, Biswanath, Assam, is quashed and set aside.

JUDGE

Comparing Assistant