

GAHC010237722025



2026:GAU-AS:4832

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

Case No. : Crl.Pet./1301/2025

CHINMAY KUMAR DAS
S/O-LT. HOMESWAR DAS, R/O- HOUSE NO102, SOUTH SARANIA L.P
SCHOOL, ULUBARI KAMRUP (M), ASSAM, PIN-781007

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR OFFICE OF THE PUBLIC
PROSECUTOR, ASSAM, GOVERNMENT OF ASSAM.

2:MITALI DAS ALIAS REKHA DAS
D/O- CHANDRARAM DAS R/O- RAJGARH
BYE LANE NO-5
HOUSE NO5
GUWAHATI
KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. S K GOSWAMI, MR. C MAHANTA, MR. N BARMAN
Advocate for the Respondent : PP, ASSAM, MS. P MAHANTA(R-2), MS. P BHATTACHARYA (R-2)

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

01.04.2026

1. Heard Mr. S. K. Goswami, learned counsel for the petitioner and Ms. P. Bhattacharya, learned counsel appearing for respondent No.2.

2. Invoking 528 BNSS, the petitioner is seeking quashing of All Women Police Station FIR No. 0055/2025 dated 16.06.2025 under Section 69 of BNS which was registered on the basis of an FIR dated 16/6/2025 lodged by the respondent No. 2.

3. The case is stated to be at a stage of investigation. On 16/06/2025, the respondent No. 2 lodged the aforementioned FIR before the All Woman Police Station, Panbazar. The gist of the allegations is that the petitioner has been maintaining love relationship with the victim with false promise of marriage. Continuously from the year 2021, the petitioner has been promising the victim that he would marry her. The victim trusted the petitioner and she had a love relationship with the petitioner and all the neighbours believed that they were a married couple. Finally, the victim came to know on 13.06.2025 that the petitioner got married to another woman, a month prior to 13.06.2025.

4. It is submitted that during the investigation of the case, the petitioner was arrested and also enlarged on bail by this Court vide order dated 27/06/2025 in BA No. 2068 of 2025. It is stated and submitted that in the meantime, the informant/respondent No. 2 and the petitioner have amicably settled the matter and towards the said objective, the informant has submitted an affidavit wherein she has expressed her desire not to pursue this case and stated her no objection to quashing of the criminal proceeding.

5. Mr. Goswami, learned counsel for the petitioner supporting the Criminal Petition submits that the matter has been settled between the parties and as the penal provision given i.e. Section 69 BNS is non-

compoundable, therefore, the inherent powers of this Court are sought to be invoked, seeking quashing of the proceedings.

6. In support of the contention, the leading case of ***Gian Singh v. State of Punjab and another reported in (2012) 10 SCC 303*** is referred to and attention of the Court is drawn to para 61 of the said decision, where apart from distinguishing the jurisdiction of compounding from quashing jurisdiction, the Hon'ble Apex Court has also discussed regarding quashing of criminal matters pertaining to certain areas such as family disputes etc. The said para 61 may be gainfully reproduced herein below:

“The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like [Prevention of Corruption Act](#) or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But

the criminal cases having overwhelmingly and pre-dominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, 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 wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

7. The learned counsel for the respondent supports the affidavit filed by the informant/respondent No. 2 and supports the contention of the petitioner's side that the parties have indeed settled the matter and the informant has no objection to allowing the prayer of the petitioner's side.

Para 14 of the said affidavit can be reproduced here in below:

“That, presently the petitioner and the deponent are having good relation with each other without any differences and misunderstanding and as such, this deponent do not want to pursue the FIR dated 16.06.2025 as well as All Women Police Station Case No. 0055/2025 and as such, this deponent gives her full consent and has no objection if the instant criminal petition is allowed and FIR along with All Women Police Station Case No. 0055/2025 filed this deponent is set aside and quashed.”

8. I perused the relevant materials and considered the submissions.

9. The case has been registered under Section 69 of BNS, the contents of which may be reproduced herein below:-

“Section 69 of the Bharatiya Nyaya Sanhita (BNS), 2023, punishes sexual intercourse by deceitful means or false promises to marry without the intention of fulfilling them. It applies when such acts do not constitute rape, punishing offenders with up to 10 years imprisonment and fines. This is a cognizable, non-bailable offense.”

10. In terms of the principles of law laid down in para 61 **Gian Singh (Supra)**, I am of the considered view that the present proceeding would fall within the ambit of the same and the present case is a dispute arising out of a relationship and in the context of the settlement arrived at between the parties which is duly supported by the respondent through an affidavit and the learned counsel appearing on her behalf - allowing the investigation and any subsequent prosecution to continue would be an exercise in futility and could amount to abuse of the process of the law/court.

11. In such view of the matter, I find merit in the prayer of the petitioner and accordingly, the All Women Police Station FIR No. 0055/2025 dated 16.06.2025 pertaining to GR No. 3066 of 2025 and all consequential proceedings stand **quashed**.

12. Accordingly, this criminal petition stands **disposed of**.

JUDGE

Comparing Assistant