

GAHC040002432026



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

Case No. : Crl.Petn./35/2026

Chiging Tangung Son of Shri Chinging Tajo, presently residing at Dutta Village, PO and PS Ziro, Lower Subansiri District, Arunachal Pradesh.

2: Dinkar Kodak

Age: Occupation :

Son of Shri Pakding Koda

permanent resident of Kodak Village

PO and PS Taliha Upper Subansiri District Arunachal Pradesh

VERSUS

The State of AP represented by the PP of AP

Advocate for the Petitioner : Niabin Soki, Vijay Duku Raji, Duge Soki

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 23.02.2026

Heard Mr. Duge Soki, learned counsel, appearing on behalf of the petitioners. Also heard Mr. Token Ete, learned Addl. P.P., Arunachal Pradesh.

2. This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has been jointly filed by the informant and the accused, praying for quashing and setting aside of the First Information Report(FIR) dated

17.10.2025, registered as Old Ziro P.S. Case No. 06/2025 under Section 281 of the Bharatiya Nyaya Sanhita(BNS), 2023, *read with* Section 185(a) of the Motor Vehicles Act, 1988, and its corresponding criminal proceedings initiated under G.R. No. 113/2025; pending trial before the Court of learned Chief Judicial Magistrate, Ziro.

3. The petitioner No. 1 is the informant and the petitioner No. 2 is the accused in the aforesaid G.R. No. 113/2025, arising out of Old Ziro P.S. Case No. 06/2025.

4. The brief facts of the case is that on 16.10.2025; the petitioner No. 1 lodged a written First Information Report(FIR) before the Police Station, Old Ziro, alleging therein, that on 15.10.2025, at around 4pm, while he was driving his car and took right turn to enter the lane of his house at Nehabo area of Old Ziro towards the Airport Landing Ground; the petitioner No. 2 who was riding a bike, recklessly, at a very high speed, collided with his car as a result of which, the petitioner No. 1 sustained injuries and his car was also damaged. Based on the said First Information Report(FIR), the aforesaid Police Station case was registered against the petitioner No. 2 under Section 281 of the Bharatiya Nyaya Sanhita, 2023, *read with* Section 185(a) of the Motor Vehicles Act, 1988.

5. Mr. Soki, learned counsel for the petitioners, submits that the case has already been charge-sheeted and cognizance taken, however, trial of the case is yet to begun. He further submits that during the pendency of the trial, the matter has been amicably resolved between the parties and both the parties executed a mutual agreement, dated 13.02.2026. In the agreement, the petitioner No. 1 (informant) has expressed that he is not willing to proceed with the matter any further as the incident arose due to a vehicular accident and the petitioner No. 2 (accused) has borne all the medical expenses of the victim and also compensated

for the damages caused to his vehicle. Further, the petitioner No. 1 has no further grievance against the accused-petitioner No. 2 and does not wish to pursue the matter any further.

6. In view of the facts and circumstances stated-above, the learned counsel for the petitioners submits that since the matter has been amicably settled between the parties and there is no likelihood of conviction; the proceedings against the petitioner No. 2 may be quashed by invoking the inherent power under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

7. Mr. Ete, learned Addl. Public Prosecutor, Arunachal Pradesh, fairly submits that in view of the amicable settlement arrived at between the parties, considering that the incident allegedly occurred due to a vehicular accident and that the informant-petitioner No. 1 has no further grievance against the accused-petitioner No. 2 and does not wish to pursue the matter; he has no objection if the prayer of the petitioners is allowed.

8. I have heard the submissions advanced by the learned counsels for the parties and also perused the record.

9. The present case arose out of a road accident caused unintentionally by the petitioner No. 2 causing injury to the petitioner No. 1 and some damages to his vehicle. However, during the pendency of the trial, the parties have amicably settled the matter. The accused-petitioner No. 2 has adequately compensated the victim/petitioner No. 1 and the petitioner No. 1 has no grievance against the accused-petitioner No. 2 and does not wish to pursue the matter any further. The dispute appears to be personal in nature and does not affect the society at large.

Given the facts and circumstances of the case, there appears to have been only a remote possibility of conviction. In view of the above, continuation of the criminal proceedings against the accused-petitioner No. 2 would be a futile exercise and would amount to an abuse of the process of law.

10. The Hon'ble Supreme Court in the case of ***State of Madhya Pradesh v. Laxmi Narayan & ors.***, reported in **(2019) 5 SCC 688** held that the High Court in exercise of power conferred under Section 482 of the Code of Criminal Procedure, 1973, can quash the criminal proceedings even for non-compoundable offences which are private in nature and do not have serious impact on society on the ground that there is a settlement/compromise between the victim and the offender.

11. In the light of the principle laid down by the Hon'ble Supreme Court in the case of ***Gian Singh v. State of Punjab & anr.***, reported in **(2012) 10 SCC 303**; as well as in the case of ***Laxmi Narayan***(supra), wherein the Court has permitted quashing of the proceedings even in non-compoundable offence in cases involved in private disputes which do not affect the society at large; this Court is of the opinion that this is a fit case where inherent power under Section 482 of the Code of Criminal Procedure, 1973/528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, should be exercised to secure the ends of justice.

12. Accordingly, the proceedings in under G.R. No. 113/2025, arising out of Old Ziro P.S. Case No. 06/2025 under Section 281 of the Bharatiya Nyaya Sanhita (BNS), 2023, *read with* Section 185(a) of the Motor Vehicles Act, 1988, pending trial in the Court of learned Judicial Magistrate First Class, Ziro, against the petitioner No. 2, namely, Shri Dinkar Kodak, is hereby quashed.

13. In terms of the above, the instant joint petition filed by the petitioners under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, stands allowed and disposed of.

JUDGE

Comparing Assistant