

GAHC040002662026



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

Case No. : Crl.Petn./40/2026

Milli Mem Son of Shri Milli Ter, permanent resident of Village Haj Milli, PO and PS raga, Kamle District, Arunachal Pradesh.

2: Milli Egha Son of Late Milli Bamin permanent resident of Village Haj Milli PO and PS raga Kamle District Arunachal Pradesh

VERSUS

The State of AP represented by the PP of AP

Advocate for the Petitioner : Begi Taba, Nimcha Hondique

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 25.02.2026

Heard Mr. Begi Taba, learned counsel, appearing on behalf of the petitioners. Also heard Mr. Duksor Loyi, learned P.P., Arunachal Pradesh.

2. This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has been jointly filed by the accused and the informant, praying for quashing and setting aside of the proceedings of G.R. No. 24/2025 arising out of Raga P.S. Case No. 05/2025 u/ss. 118(1)/329(4) of the Bharatiya Nyaya Sanhita, 2023, and the cognizance order dated 30.07.2025 of the learned Chief Judicial Magistrate, Ziro.

3. The petitioner No. 1 is the accused and the petitioner No. 2 is the informant in the aforesaid G.R. No. 24/2025, arising out of Raga P.S. Case No. 05/2025.

4. The brief facts of the case is that based on the written First Information Report (FIR) lodged by the petitioner No. 2 on 21.02.2025, alleging that the petitioner No. 1 entered his house at Tamen and assaulted him with a local dao on 21.02.2025, at around 4.15PM; the aforesaid Raga P.S. Case No. 05/2025 has been registered against the petitioner No. 1. The case was investigated into and upon completion of the investigation; the police laid the charge-sheet against the petitioner No. 1 for committing the offence u/ss. 118(1)/329(4) of the Bharatiya Nyaya Sanhita, 2023. The learned Judicial Magistrate First Class, Ziro, has taken cognizance of the case on 30.07.2025.

5. Mr. Taba, learned counsel for the petitioners, submits that during the pendency of the trial, the matter has been amicably resolved between the parties and both the parties executed a mutual deed of agreement, dated 23.02.2026, wherein, the petitioner No. 1, while admitting his mistake, has sought apology from the petitioner No. 2. The deed of agreement contained that the petitioner No. 2 has forgiven the petitioner No. 1 for his mistake with a view to live together peacefully as they are brothers belonging to the same clan. The petitioner No. 2 has also expressed that he does not have any further grievance against the petitioner No. 1 and he does not want to pursue the matter any further.

6. It is further submitted by the learned counsel for the petitioners that in the meantime, the petitioners approached the Court of learned Chief Judicial Magistrate, Ziro, with a copy of the deed of settlement dated 23.02.2026, for closing the case.

However, since the offence registered against the petitioner No. 1 is non-compoundable; the petitioners were directed to approach this Court. Hence, this criminal petition for quashing and setting aside of the proceedings against the petitioner No. 1 pending trial in the Court of learned Chief Judicial Magistrate, Ziro.

7. The learned counsel for the petitioners has further submitted that since the matter has been amicably settled between the parties they being the clan brothers, there is hardly any chance of conviction of the accused petitioner No. 1 in the matter. Under such facts and circumstances, he submits that the continuance of the proceedings against the petitioner No. 1 would be a futile exercise and would amount to abuse of the process of law. Therefore, the learned counsel prays for quashing and setting aside of the proceeding of G.R. No. 24/2025 arising out of Raga P.S. Case No. 05/2025 u/ss. 118(1)/329(4) of the Bharatiya Nyaya Sanhita, 2023, pending in the Court of learned Chief Judicial Magistrate, Ziro.

8. Mr. Loyi, learned Public Prosecutor, Arunachal Pradesh, fairly submits that in view of the amicable settlement arrived at between the parties, and also considering that as per the injury report, the injury caused to the informant is simple in nature, and also taking into account that the informant has no further grievance against the accused and does not wish to pursue the matter; he has no objection if the prayer of the petitioners is allowed.

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

10. The present case arose out of an alleged assault by the accused-petitioner No. 1 against the informant-petitioner No. 2 at around 4.15PM causing simple injury on his back and entered the house of the informant on 21.02.2025. However, during the pendency of the trial, the parties have amicably settled the matter by executing a deed of settlement on 23.02.2026. In the said deed of settlement, it has been stated by the informant that he has no grievance against the accused-petitioner No. 1 and does not wish to pursue the case 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 petitioner No. 1(accused) would be a futile exercise and would amount to an abuse of the process of law.

11. 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 inherent 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.

12. 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***; ***Narinder Singh & ors. v. State of Punjab & anr.***, reported in ***(2014) 6 SCC 466***, 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.

13. Accordingly, the proceedings in G.R. No. 24/2025 arising out of Raga P.S. Case No. 05/2025 u/ss. 118(1)/329(4) of the Bharatiya Nyaya Sanhita, 2023, pending trial in the Court of learned Chief Judicial Magistrate, Ziro, against the petitioner No. 1, namely, Shri Milli Mem, is hereby quashed.

14. 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