

GAHC040002682026



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

Case No. : Crl.Petn./42/2026

Hillang Takang Son of Shri Hillang Nigung, permanent resident of 5/1 Aniya Colony,
PO and PS Banderdewa, Papum Pare District, Arunachal Pradesh. 791123

2: Teli Ajoy Son of Late Teli Guma
permanent resident of Soro Village
PO and PS Sagalee Papum Pare District Arunachal Pradesh 79111

VERSUS

The State of AP represented by the PP of AP

Advocate for the Petitioner : Tania Kipa, Kago Tana, T Nima

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 27.02.2026

Heard Mr. Tania Kipa, 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 Banderdewa P.S. Case No. 10/2026, dated 16.02.2026, registered under Section 305(a)/ 3(5) of the Bharatiya Nyaya Sanhita, 2023, as well as the proceedings of G.R. No. 140/2026 in the Court of the learned Chief Judicial Magistrate, Yupia.

3. The petitioner No. 1 is the informant and the petitioner No. 2 is the maternal uncle of the petitioner's wife.

4. The brief facts of the case is that the petitioner No. 1 has lodged the First Information Report(FIR) before the Officer-in-Charge, Banderdewa Police Station, inter alia, alleging therein, that on 28.01.2026; when he came back home, he found the door of his house opened and all articles being taken away by some unknown person. On checking the CCTV footage; he came to know that the accused petitioner No. 2 along with 4(four) others entered his rented house, broke open the door and stolen away all the belongings including household valuable items, ornaments, cash amount, furniture, kitchen items, mobile handset, etc.. Accordingly, the aforesaid case was registered.

5. The learned counsel for the petitioners submits that the instant case arose out of a misunderstanding between the petitioner No. 1 and his wife. In the process of conducting the marriage(Nyida); a dispute arose between the husband and the wife, wherein, in a fit of anger, the husband-petitioner No. 1 told that if she does not want to live with him, she can leave immediately. Accordingly, the wife took all her belongings from her rented house. The accused-petitioner No. 2 who is the maternal uncle of the wife of the petitioner No. 1, also participated during the process of taking away the belongings. However, the First Information Report(FIR) has been lodged against the petitioner No. 2.

6. The learned counsel further submits that since the dispute arose between the wife and husband-petitioner No. 1, with the intervention of the elders and the relatives of both sides; the matter has been amicably resolved between the parties and also executed a mutual deed of settlement, dated 19.02.2026, whereby, the informant-petitioner No. 1 has stated that the aforesaid police case

was lodged due to a misunderstanding between the informant and his wife where the present accused-petitioner No. 2 participated in support of her niece. However, since the matter has been amicably resolved between the parties; the informant has no further grievance against the accused-petitioner No. 2 and he does not want to pursue the matter any further. Subsequently, the informant-petitioner No. 1 has intimated to the investigating officer of the case expressing his desire to withdraw the First Information Report (FIR) lodged against the accused-petitioner No. 2. However, since the offences are non-compoundable; the matter could not be compounded in the Police Station. Hence, the petitioners filed this criminal petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

7. The learned counsel for the petitioners further submits that since the matter has been amicably resolved between the parties, the informant/victim has no further grievance against the accused-petitioner No. 2; therefore, the further proceeding of the investigation of the aforesaid police case would be a futile exercise as the possibility of conviction is remote in the case; under the circumstances, it would only cause harassment to both the informant and the accused and therefore, the learned counsel for the petitioners prays for quashing of the aforesaid Banderdewa P.S. Case No. 10/2026, dated 16.02.2026, registered under Section 305(a)/3(5) of the Bharatiya Nyaya Sanhita, 2023, as well as the proceedings of G.R. No. 140/2026 in the Court of the learned Chief Judicial Magistrate, Yupia.

8. Mr. Loyi, learned Public Prosecutor, Arunachal Pradesh, fairly submits that in view of the mutual deed of settlement arrived at between the parties and considering that the dispute arose due to some misunderstanding between the husband-petitioner No. 1 and his wife, and that the present accused-petitioner No. 2 being a maternal uncle of the wife of the petitioner No. 1, has only

accompanied her in taking out the belongings from the rented house of the accused and also taking into account that the informant-petitioner No. 1 has expressed his willingness to withdraw the aforesaid First Information Report(FIR); 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 status report.

10. It appears that the dispute arose between the petitioner No. 1 and the petitioner No. 2 due to some misunderstanding between the petitioner No. 1 and his wife. The petitioner No. 2 who is the maternal uncle of the wife of the informant-petitioner No. 1, supported her in taking out all the belongings from the rented house of the petitioner No. 1 resulting in registration of the aforesaid police case by the petitioner No. 1 against the petitioner No. 2. However, subsequently, the matter has been amicably settled between the parties by executing a mutual deed of settlement on 19.02.2026, wherein, the informant has clearly expressed that the aforesaid police case being Banderdewa P.S. Case No. 10/2026, has been lodged by him due to some misunderstanding between him and the present petitioner No. 2 and he has no further grievance against the petitioner No. 2 and does not wish to pursue the matter any further. Under the circumstances, it appears that the dispute is purely personal in nature and has arisen out of a marital dispute between the petitioner No. 1 and his wife. It also appears that the dispute 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 and thus, if the investigation/trial is allowed to be continued; it would only cause harassment to both the parties which would rather 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 Banderdewa P.S. Case No. 10/2026, dated 16.02.2026, registered under Section 305(a)/3(5) of the Bharatiya Nyaya Sanhita, 2023, as well as the proceedings of G.R. No. 140/2026 in the Court of the learned Chief Judicial Magistrate, Yupia, against the petitioner No. 1 Shri Hillang Takang, are 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