

GAHC040002692026



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

Case No. : Crl.Petn./43/2026

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: Smti Tana Metung Wife of Shri Tana Taka
resident of Pech Village Near Govt Primary School Pech
PO Khell 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 Sagalee P.S. Case No. 11/2026, dated 31.01.2026, registered under Section 324(1)/ 329/351 of the Bharatiya Nyaya Sanhita, 2023, as well as the proceedings of G.R. No. 107/2026 in the Court of

the learned Chief Judicial Magistrate, Yupia.

3. The petitioner No. 2 is the informant and the accused-petitioner No. 1 is her son-in-law.

4. The brief facts of the case is that due to some misunderstanding between the accused-petitioner No. 1 and his wife, the wife left the rented house of the petitioner No. 1 by taking away all his belongings from his rented house leading to registration of an First Information Report(FIR) against his wife, and in search of his wife, the accused-petitioner No. 1 visited the house of the informant-petitioner No. 2 and in the process, there was some altercation between them. Since there was some dispute between the accused-petitioner No. 1 and his wife during the performance of *Nyida*; the present informant/petitioner No. 2, out of anger, has lodged the First Information Report(FIR) against her son-in-law i.e. petitioner No. 1 resulting in registration of Sagalee P.S. Case No. 11/ 2026, dated 31.01.2026, under Section 324(1)/329/351 of the Bharatiya Nyaya Sanhita, 2023.

5. The learned counsel for the petitioners submits that however, during the pendency of the investigation of the case, as the dispute arose between the petitioner No. 1 and his wife; the matter has amicably been settled between the accused-petitioner No. 1 and the informant-petitioner No. 2 who is his mother-in-law. The learned counsel further submits that in the mutual deed of settlement executed between the accused-petitioner No. 1 and the informant-petitioner No. 2 on 19.02.2026; the informant has clearly stated that the First Information Report(FIR) was lodged against the petitioner No. 1 due to some misunderstanding between the parties and since the matter has amicably been resolved, she has no further grievance against the accused-petitioner No. 1 and

does not wish to pursue the matter any further. The informant-petitioner No. 2 further undertakes to cooperate with the accused-petitioner No. 1 for quashing of the aforesaid First Information Report(FIR) and accordingly, she intimated the investigating officer of the case expressing her willingness to withdraw the First Information Report(FIR) lodged by her against the petitioner No. 1. However, as the offence registered against the petitioner No. 1 is non-compoundable, hence, this petition praying for quashing of the aforesaid Sagalee P.S. Case No. 11/2026, dated 31.01.2026, registered under Section 324(1)/329/351 of the Bharatiya Nyaya Sanhita, 2023.

6. The learned counsel for the petitioners further submits that since the matter has been amicably resolved between the parties, the informant-petitioner No. 2 has no further grievance against the accused-petitioner No. 1; therefore, the further proceeding of the investigation of the aforesaid police case would be a futile exercise as under the circumstances, the possibility of conviction would be remote, and it would cause only harassment to both the informant and the accused and therefore, the learned counsel for the petitioners prays for quashing of the aforesaid Sagalee P.S. Case No. 11/2026, dated 31.01.2026, registered under Section 324(1)/329/351 of the Bharatiya Nyaya Sanhita, 2023, as well as the proceedings of G.R. No. 107/2026 in the Court of the learned Chief Judicial Magistrate, Yupia.

7. 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 real dispute arose due to some misunderstanding between the husband-petitioner No. 1 and his wife, and that the dispute is personal in nature and also taking into account that the informant-petitioner No. 2 has expressed her willingness to withdraw the aforesaid First Information Report(FIR); 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 status report.

9. It appears that the dispute arose between the accused-petitioner No. 1 and the informant-petitioner No. 2 due to some misunderstanding which took place on account of some matrimonial dispute between the petitioner No. 1 and his wife. In the process, the petitioner No. 1 had an altercation with the petitioner No. 2 i.e. his mother-in-law, resulting in lodging of the aforesaid police case by the petitioner No. 2 against the petitioner No. 1. 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 Sagalee P.S. Case No. 11/2026, dated 31.01.2026, has been lodged by her due to some misunderstanding between her and the petitioner No. 1 and that she has no further grievance against the petitioner No. 1 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.

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 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.

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**; ***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.

12. Accordingly, the proceedings in Sagalee P.S. Case No. 11/2026, dated 31.01.2026, registered under Section 324(1)/329/351 of the Bharatiya Nyaya Sanhita, 2023, as well as the proceedings of G.R. No. 107/2026 in the Court of the learned Chief Judicial Magistrate, Yupia, against the petitioner No. 1 Shri Hillang Takang, are 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