

GAHC040004422026



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

Case No. : Crl.Petn./73/2026

Jacob Joham and Anr
Son of Late Tahmow Joham, a permanent resident of Village Ozakho, PO and PS
Longding, District Longding, Arunachal Pradesh and presently residing at Bank
Colony, Khonsa, Tirap District, Arunachal Pradesh.

2: Wangchun Lowang
Age:
Occupation :
Son of Late Tekhua Lowang
permanent resident of Bank Colony
P and PS Khonsa
Tirap District
Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Hage Tai, Minjum Kamcham, S Lowang

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 20-04-2026

Heard Mr. M. Kamcham, learned counsel for the petitioners. Also heard Mr.

T. Ete, learned Additional Public Prosecutor for the State.

2. This application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has been jointly filed by the petitioners, praying for quashment of the FIR dated 19.01.2026, registered as Khonsa P.S. Case No. 02/2026, under Sections 281/115(2) of the Bharatiya Nyaya Sanhita (BNS), 2023, on the basis of settlement between the parties.

3. The case emanates from a written complaint dated 18.01.2026 filed by the petitioner No. 1, informing that a motor vehicle accident had occurred on 18.01.2026 between 10:30 hours to 11:00 hours at Bank Colony, Khonsa, involving his 4 (four) year old daughter. It is alleged that An unknown vehicle, being driven in a rash and negligent manner, hit his minor daughter and immediately fled from the spot, resulting in her sustaining injuries for which she was taken to the hospital. It is stated that his daughter has suffered psychological trauma and is terrified to leave the house or step onto the road. Pursuant thereto, the Khonsa P. S. Case No. 02/2026, under Sections 281/115(2) of the BNS, 2023, was registered.

4. Mr. T. Ete, learned Additional Public Prosecutor, by placing the Case Diary, submits that the investigation has been completed and has culminated in the submission of the Report before the concerned jurisdictional Court. It is submitted that the injury sustained is simple in nature and the offence under which the petitioner No. 2 has been Charge-sheeted is under Section 115(2) of the BNS, 2023, which is compoundable. Therefore, he fairly submits that since the Report has been submitted and the offence under Section 115(2) BNS, 2023 is compoundable, the matter may be closed, so as to enable the petitioner No. 2 to avail appropriate remedy in accordance with law.

5. Mr. M. Kamcham, learned counsel for the petitioners, submits that he has no objection if the present criminal petition is closed with liberty to the petitioners to avail appropriate remedy in accordance with law.

6. Having considered the submissions of the learned counsels for the parties and upon perusal of the Case Diary, it is noticed that the Police has already submitted the Report in the case and the petitioner No. 2 has been charge-sheeted under Section 115(2) of the BNS, 2023, which is compoundable. Thus, I deem it appropriate to close this criminal petition, with liberty to the petitioners to avail the appropriate remedy, as this Court is not required to consider the matter on merit for quashment in view of the offence being compoundable.

7. Accordingly, the criminal petition stands closed.

JUDGE

Comparing Assistant