

GAHC040005492026



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

Case No. : Crl.Petn./97/2026

Hiba Tamak and 3 Ors
Son of Late Hiba Tagung, Village Nibi, PO and PS Sangram, Kurung Kumey District,
Arunachal Pradesh. 2: Amti Bodo
Age:
Occupation :
Son of Shri Kocho Bodo
Village Bodo
PO Sawa
PS Chayang Tajo
East Kameng District
Arunachal Pradesh.

3: Dodum Pao
Age:
Occupation :
Son of Shri Prem Pao
permanent address village Pao
PO Sawa
PS Chayang Tajo
Est Kameng District
Arunachal Pradesh.

4: Asasek Bodo
Age:
Occupation :
Son of Shri Fangcha Bodo
Village Bodo
PO Sawa
PS Chayang Tajo
East Kameng District
Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Lipi Niri, T Taje, Priya Lomdak, A Bodo

Advocate for the Respondent : P P of AP,

-BEFORE-
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

09.06.2026

Heard Mr. A. Bodo, learned counsel appearing for the petitioners, namely, (i) Shri Hiba Tamak, (ii) Shri Amit Bodo, (iii) Shri Dodum Pao and (iv) Shri Asasek Bodo and Ms. L. Hage, learned Addl. PP for the State of Arunachal Pradesh.

2. The petitioner No. 1 is the complainant who has lodged the FIR registered as Papu Hill P.S. Case No.24/2023 registered under Section 326/447/448/427/458/435/32 of the Indian Penal Code (for short, 'IPC').

3. A written FIR was lodged on 19.04.2023 and the G.R. Case No. 241/2023 was registered and cognizance was taken on 09.01.2024. Now, the case is pending for consideration of charge.

4. The petitioner Nos. 2, 3 & 4 are the accused and the petitioner No. 1 is the complainant/informant. The petitioners have jointly filed this application under Section 528 of the BNSS, 2023 with prayer for quashing the entire proceeding of G.R. Case No. 241/2023.

5. I have considered the submissions at Bar with circumspection.

6. The allegations against the accused petitioners are that they have entered into the informant's house and assaulted him and set ablaze a motorcycle.

7. It is also submitted on behalf of the petitioners that a misunderstanding between both the parties had triggered this alleged incident. Now, both the parties have buried their hatchet and they have amicably settled their dispute by way of a deed of settlement, which is annexed along with the petition and marked as Annexure-3. The Deed of Settlement is executed by the petitioners on the intervention of the elderly people of the village. The Annexure-3 clearly depicts that both the parties have amicably settled their dispute.

8. The scanned copy of the Trial Court Record has also been received with the medical report, and Annexure-1 series includes the FIR and the charge sheet.

9. The Medical Report also depicts that the petitioner No. 1 had sustained simple injuries. As both the parties have settled their dispute, it appears that the possibility of conviction appears to be remote and bleak.

10. I have considered the facts and circumstances of the case, and nature and gravity of the offence alleged. It appears that pursuing the proceeding would be an abuse of the process of the Court. Therefore, the inherent power under Section 528 of the BNSS, can thus, be invoked.

11. In view of the above, the proceeding of G. R. Case No. 241/2023 arising out of Papu Hill P.S. Case No.24/2023 is hereby set aside and quashed.

In terms of the above observation, this Criminal Petition stands disposed of.

JUDGE

Comparing Assistant