

GAHC040007632025



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

Case No. : Crl.Petn./102/2025

Kipa Takap and 3 Ors

Son of Late Kipa Tare, a present resident of Karsingsa, PO and PS Banderdewa,
Papum Pare District and permanent resident of Village Chabang, PO and PS Nyapin,
Kurung Kumey District, Arunachal Pradesh.

2: Phassang Takap

Age:

Occupation :

Son of Late Phassang Hanu

a present resident of Karsingsa

PO and PS Banderdewa

Papum Pare District and permanent resident of Village Lungsa

PO and PS Nyapin

Kurung Kumey District

Arunachal Pradesh.

3: Kipa Echh

Age:

Occupation :

Son of Late Kipa Tongam

a present and permanent resident of Chabang Village

PO and PS Nyapin

Kurung Kumey District

Arunachal Pradesh.

4: Lomar Ete

Age:

Occupation :

Son of Shri Menlong Ete

a present resident of Namsai

PO and PS Namsai

District Namsai

and permanent resident of Pobdi Village

PO and PS Aalo
West Siang District
Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Joram Mebi, Lishi Taj

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

Date : 20.01.2026

Heard Mr. J. Mebi, learned counsel for the petitioners. Also heard Ms. L. Hage, learned Additional Public Prosecutor for the State respondent.

2. The present application has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying for quashing of the criminal trial proceedings before the Court of Chief Judicial Magistrate, Yupia, Papum Pare District in connection with Itanagar Police Station Case No. 72/1998 under Sections 380/448/34 of IPC in connection with G.R. Case No. 130/1998.

3. This application has been filed jointly by the petitioner Nos. 1, 2 and 3, who are the accused persons and the petitioner No. 4, who is the informant/complainant.

4. It is the case of the petitioners that an FIR was lodged on 07.06.1998 against the accused persons for allegedly stealing 3(three) bundles, numbering

23 pieces of 12mm iron rods which was kept in the house of the informant/complainant for his house construction. The matter has been investigated and charge-sheeted and is now pending trial before the Court of Chief Judicial Magistrate, Yupia, Papum Pare District.

5. It is further submitted by the learned counsel for the petitioners that the accused persons and the informant/complainant have entered into a deed of mutual settlement executed on 03.05.2025, wherein it has been agreed that the parties have decided to settle the case which has been registered as Itanagar Police Station Case No. 72/1998 under Sections 380/448/34 of IPC. It has also been agreed between the parties that the informant had pardoned the accused persons in good faith and has decided to withdraw the Itanagar Police Station Case No. 72/1998 which is under trial before the Court of Chief Judicial Magistrate, Yupia, Papum Pare District. It has also been agreed between the parties that no further action will be taken by the informant and that the case is settled between them outside the Court.

6. In view of the same, the petitioners pray that the pending case being G.R. Case No. 130/1998 be quashed and set aside in the interest of justice.

7. The Court has considered the prayer of the petitioners and also perused the trial Court records.

8. Ms. L. Hage, learned Additional Public Prosecutor appearing for the State respondent has no objections, as the parties have already settled the matter amicably outside the Court.

9. Considering the nature of the case and considering the fact that the

accused persons as well as the petitioner have filed this petition jointly on the basis of the settlement deed arrived at between them on 03.05.2025, this Court is of the view that it would be a futile exercise to continue with the criminal proceedings in the Court of the Chief Judicial Magistrate, Yupia, in G.R. Case No. 130/1998, as there is no possibility of conviction.

10. Accordingly, this petition is allowed and the proceedings in G.R. Case No. 130/1998 pending before the Court of Chief Judicial Magistrate, Yupia, Papum Pare District is quashed and set aside.

11. This present criminal petition stands allowed and disposed of.

12. The Registry shall send back the trial Court records.

JUDGE

Comparing Assistant