

GAHC040011042025



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

Case No. : Crl.Petn./150/2025

Anil Kumar Agarwal and 4 Ors
Son of Shri Mahesh Chandra Agarwal, resident of Main Market Area, Pasighat, PO
and PS Pasighat, East Siang District, Arunachal Pradesh.

2: Maktem Tamin
Age:
Occupation :
Son of Shri Okop Tamin
resident of Mongku Village
PO and PS Pasighat
East Siang District
Arunachal Pradesh.

3: Jini Perme
Age:
Occupation :
Son of Shri Okeng Perme
resident of Ngopuk Village
PO and PS Mebo
East Siang District
Arunachal Pradesh.

4: Milon Perying
Age:
Occupation :
Son of Shri Maku Perying
resident of Siluk Village
PO and PS Mebo
East Siang District
Arunachal Pradesh.

5: Maklek Lego
Age:

Occupation :
Son of Shri Makbul Lego
resident of Siluk Village
PO and PS Mebo
East Siang District
Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Tamo Taggu, Moni Bori, Eddie Payeng, Mingkong Pertin

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

25.02.2026

Heard Mr. T. Taggu, learned counsel for the petitioners. Also heard Mr. T. Ete, learned Additional Public Prosecutor for the State respondent.

2. This application, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been jointly filed by the informant and the accused persons, praying for setting aside Pasighat P.S. Case No. 131/2017, registered under Sections 392/34 of the IPC; Charge-sheet No. 43/2018 dated 02.04.2018 corresponding to G.R. Case No. 131/2017 arising out of the aforesaid Pasighat P.S. Case No. 131/2017; and the cognizance order dated 15.01.2020, passed by and pending before the Court of the learned Chief Judicial Magistrate, Pasighat, East Siang District.

3. Petitioner No. 1, Shri Anil Kumar Agarwal, is the informant. Petitioner No.

2, Shri Maktem Tamin; Petitioner No. 3, Shri Jini Perme; Petitioner No. 4, Shri Milon Perying; and Petitioner No. 5, Shri Maklek Lego are the accused persons in the aforesaid G.R. Case No. 131/2017 arising out of Pasighat P.S. Case No. 131/2017 under Sections 392/34 of the IPC.

4. The case of the petitioners is that on 03.08.2017, petitioner No. 1 lodged a written FIR stating that some persons stopped his Tata SE near Donyi Polo Stores and took away 2 (two) cartons of cigarettes, and prayed for necessary action. Accordingly, the aforementioned Pasighat P.S. Case No. 131/2017 was registered under Sections 392/34 of the IPC and was investigated.

5. Upon completion of the investigation, the police laid a charge-sheet against petitioner Nos. 2, 3, 4, and 5 for the offence punishable under Sections 392/34 of the IPC. By order dated 15.01.2020, the learned Chief Judicial Magistrate took cognizance of the offence.

6. The learned counsel for the petitioners submits that since 09.03.2020, the trial of the case has not been proceeded before the Court of the learned Chief Judicial Magistrate, Pasighat. However, in the meantime, the parties have amicably resolved the matter and executed a deed of amicable settlement on 29.06.2025. In Clause 4 of the settlement deed, it is stated that the accused, i.e., petitioner Nos. 2, 3, 4, and 5, have sought for an unconditional apology from the informant and have adequately compensated the loss incurred by him. The agreement also contain that, since the matter has been amicably settled, the informant has no further grievance against the accused and does not wish to pursue the matter any further. The informant has further expressed that he has no objection and would cooperate with the accused in closing the matter before the competent Court.

7. The learned counsel for the petitioners submits that since the matter has been amicably settled and the informant has been adequately compensated, continuation of the proceedings before the Court of the learned Chief Judicial Magistrate, Pasighat, would be a futile exercise and would amount to an abuse of the process of law, as there is no possibility of conviction. Therefore, he prays for setting aside and quashing the aforesaid G.R. Case in exercise of the inherent power of this Court under Section 528 of the BNSS, 2023.

8. On other hand, Mr. T. Ete, learned Additional Public Prosecutor, fairly submits that as per the record, the case has not proceeded for trial since 09.03.2020. Further, in view of the amicable settlement between the parties, whereby the accused persons have sought apology and the informant has pardoned them, he has no objection if the prayer of the petitioners is allowed.

9. I have heard the submissions advanced by the learned counsel for both parties and have perused the record.

10. The present case arose out of an FIR lodged by the informant alleging that accused/petitioner Nos. 2, 3, 4, and 5 took away his cigarette cartons on 03.08.2017, causing loss to his business. However, during the pendency of the trial, the parties have amicably settled the matter by executing a deed of settlement dated 29.06.2025. It is seen that in the said settlement deed, the four accused persons have sought for an unconditional apology for their mistake and have adequately compensated the loss incurred by the informant. In turn, the informant has pardoned them and expressed that he has no further grievance against accused/petitioner Nos. 2, 3, 4, and 5 and does not wish to pursue the case. The dispute appears to be personal in nature and does not affect society at large. Given the facts and circumstances of the case, there

appears to be only a remote possibility of conviction. Moreover, the record reveals that the trial of the case has not proceeded further since 09.03.2020. In view of the above, the continuation of the criminal proceedings against the accused would be a futile exercise and would amount to an abuse of the process of law.

11. The Hon'ble Supreme Court in the case of ***State of Madhya Pradesh Vs. Laxmi Narayan and Ors.*** reported in (2019) 5 SCC 688 held that the High Court in exercise of power under 482 of the Code can quashed the criminal proceeding even for non-compoundable offences which are private in nature and do not have serious impact on society on the ground that there is settlement/compromise between the victim and the offender.

12. In light of the principle laid down by the Hon'ble Supreme Court in ***Gian Singh v. State of Punjab***, reported in[(2012) 10 SCC 303], ***Narinder Singh v. State of Punjab*** reported in[(2014) 6 SCC 466], as well as the ***State of Madhya Pradesh v. Laxmi Narayan*** (supra), where the Apex Court has permitted quashing of 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 Cr.P.C/Section 528 of BNSS, should be exercised to secure the ends of justice.

13. Accordingly, the proceedings in G.R. Case No. 131/2017, arising out of Pasighat P.S. Case No. 131/2017, along with Charge-sheet vide C.S. No. 43/2018 dated 02.04.2018, registered under Sections 392/34 of the IPC, and the order of cognizance dated 15.01.2020, pending before the Court of the learned Chief Judicial Magistrate, Pasighat, against the accused, namely **Shri Maktem Tamin** (petitioner No. 2), **Shri Jini Perme** (petitioner No. 3), **Shri Milon**

Perying (petitioner No. 4), and **Shri Maklek Lego** (petitioner No. 5), are hereby quashed in the interest of justice.

14. With the above, this petition stands disposed of.

JUDGE

Comparing Assistant