

GAHC020001412023



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

**Case No. : CrI. Pet./2/2023**

SHRI. HEUTINGGUMBE  
S/O SHRI. HINGDACHUNG,  
AGED ABOUT 33 YEARS, PEREN VILLAGE,  
DISTRICT - PEREN, NAGALAND

VERSUS

THE STATE OF NAGALAND AND ANR  
REPRESENTED BY THE PUBLIC PROSECTOR,  
NAGALAND

2:SHRI. DINEU NDAN  
S/O SAMKUBE NDANG, AGED ABOUT 90 YEARS,  
G.B. NDANGKHEL, PEREN VILLAGE, PEREN DISTRICT,  
NAGALAND

**Advocate for the Petitioner** : PFOSEKHO PFOTTE

**Advocate for the Respondent** : P.P, NAGALAND

**BEFORE  
HONBLE MR JUSTICE KARDAK ETE**

**ORDER**

**Date : 26-09-2023**

Heard Mr. Pfosekho Pfotte, learned counsel for the petitioner. Also heard Mr. K. Angami, learned Public Prosecutor, Nagaland and Mr. Z. Kulnu, learned counsel for respondent No. 2.

**2.** By filing this application under Section 482 of the Code of Criminal Procedure, 1973, the petitioner has prayed for quashing of the

criminal proceedings in GR Case No. 14/2021 under Sections 170/465 IPC, 1860 on the basis of the compromise entered between the petitioner and the respondent No. 2.

**3.** The case in nutshell is that the FIR dated 23.04.2021 was jointly filed by the respondent No. 2 and one Late Ramsing Hega, alleging that some individual have impersonated them by forging their signatures and using their official seal for their own self-interest in the 'Form for Replacement of G.B.' and 'letter of Resignation' from the post of G.B. Nandang Khel. The contention of the petitioner is that in fact someone had filed 'Form of Replacement of GB' impersonating the Head G.B. to replace a G.B. and Letter of Resignation impersonating the complainant, Shri Dineu Nandang.

**4.** On the basis of such a complaint, the petitioner was arrested and he confessed that it was his doing and he tendered an apology after which a Peace Agreement dated 29.05.2021 was executed between the petitioner and the respondent No. 2. Thereafter, the police filed a Charge-sheet on 24.07.2021 which is pending for consideration of charges before the learned Chief Judicial Magistrate, First Class, Peren.

**5.** The learned Public Prosecutor and the learned counsel for respondent No. 2 expresses no objection if this Court would interfere with the criminal proceeding as the chances of conviction are bleak in view of the Compromise Agreement that has been executed between the informant and the petitioner/accused.

**6.** I have considered the submissions of the learned counsel for the parties and perused the materials on record.

**7.** This Court takes note of the Agreement entered between the petitioner and respondent No. 2 dated 29.05.2021 wherein the Peace Agreement was executed stating that the petitioner had admitted and apologized that he is responsible for writing the Resignation Letter of the respondent No. 2 from the post of Head G.B. Nandang Khel at Peren. It also appears that subsequent to the Peace Agreement between the petitioner and the respondent No. 2, the respondent No. 2 has submitted a letter dated 31.05.2021 for withdrawal of FIR dated

23.04.2021 before the Officer in-Charge, Police Station, Peren, praying for withdrawal of the FIR on the ground that there has been an amicable settlement between the parties and further proceedings may be futile and unnecessary.

8. The Police had already submitted the Charge-sheet under Section 170/462 IPC and sent the accused for trial which is at the stage of consideration of charges before the learned Chief Judicial Magistrate, Peren.

9. In the case of **State of Madhya Pradesh vs. Laxmi Narayan**, reported in **(2019) 5 SCC 688**, the Hon'ble Supreme Court has held which is reproduced herein below:-

*"15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:*

*15.1. That the power conferred under [Section 482](#) of the Code to quash the criminal proceedings for the non-compoundable offences under [Section 320](#) of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;*

*15.2. Such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;*

*15.3. Similarly, such power is not to be exercised for the offences under the special statutes like [Prevention of Corruption Act](#) or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;*

*15.4. offences under [Section 307](#) IPC and the [Arms Act](#) etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under [Section 307](#) IPC and/or the [Arms Act](#) etc. which have a serious impact on the society cannot be quashed in exercise of powers under [Section 482](#) of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of [Section 307](#) IPC in the FIR or the charge is framed under this*

*provision. It would be open to the High Court to examine as to whether incorporation of [Section 307](#) IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under [Section 307](#) IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh (supra) should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;*

*15.5. While exercising the power under [Section 482](#) of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise etc.”*

**10.** Having considered the submission of the learned counsel for the parties and the fact that the parties had entered into an Agreement for which the chances of conviction is bleak and the parties have decided to settle the issue for their future peaceful co-existence, this Court is of the view that this is one of the cases where the Court would invoke inherent power of this Court under Section 482 of Code of Criminal Procedure, 1973.

**11.** In view of the above and the law laid down by the Hon'ble Supreme Court, the criminal proceedings in GR Case No. 14/2021 corresponding to Peren Police Station Case No. 2/2021, pending before the Chief Judicial Magistrate, Peren, is hereby set aside and quashed.

The petition is accordingly disposed of.

Sd/-  
**JUDGE**

**Comparing Assistant**