

GAHC040012672024



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

**Case No. : Crl.Petn./150/2024**

Kago Nibo and Anr  
Son of Kago Laling, resident of Hong Village, PO and PS Ziro, Lower Subansiri  
District, Arunachal Pradesh. 2: Miss Hibu Kanku  
Age:  
Occupation :  
Daughter of Late Hibu Epo  
resident of Hong Village  
PO and PS Ziro  
Lower Subansiri District  
Arunachal Pradesh

VERSUS

The State of AP  
represented by the PP of AP

**Advocate for the Petitioner** : Khoda Tari, Bengia Tayu

**Advocate for the Respondent** : P P of AP,

**-BEFORE-**

**HON'BLE MR. JUSTICE KALYAN RAI SURANA**

**23.09.2024**

Heard Mr. K. Tari, learned counsel for the petitioners as well as Mr.  
G. Tado, learned Addl. PP for the State.

2. By filing this criminal petition under Section 528 of Bharatiya Nagarik

Suraksha Sanhita (for short, 'BNSS'), the petitioners have prayed for setting aside and quashing of Koloriang P.S. Case No.28/2019 corresponding to G. R. Case No. 24/2022 registered under Sections 465/468/471/474/171-F of the Indian Penal Code which is pending for disposal before the Court of learned Judicial Magistrate, First Class, Koloriang, Kurung Kumey District on the ground that there has been a settlement between the accused and the informant vide settlement deed dated 30.08.2024.

3. As per the FIR, which is lodged by the petitioner No. 2, namely, Ms. Hibu Kanku, the petitioner, namely, Kago Nibo had taken her postal ballot from DEO Office, Kurung Kumey District, Koloriang on 08.05.2019 without her consent. She has alleged that a false authorization letter was submitted by the petitioner No. 1 with her forged signature. On receipt of the said FIR dated 15.05.2019, the above case has been registered.

4. The learned counsel for the petitioner has referred to the statement of the petitioner No. 2-informant as PW.1 that the evidence of PW. 1 could not be sufficient to convict the petitioner No. 1. Moreover, it is submitted that as there has been an agreement on 30.08.2024 between the petitioner No. 1 and petitioner No. 2, the chances of conviction is remote and bleak.

5. Heard the learned Addl. PP in the matter.

6. The Court is of the considered opinion that an Electoral offence which goes against the democracy cannot be quashed as this is an offence against the State and no longer remains a private dispute between two sides. Therefore, notwithstanding the settlement dispute between the

petitioners, the Court is not inclined to quash the FIR which is registered as Koloriang P.S. Case No. 28/2019 registered under Sections 465/468/471/474/171-F of the Indian Penal Code.

7. Accordingly, this criminal petition stands dismissed at the motion stage, without issuance of notice on the respondents.

**JUDGE**

**Comparing Assistant**