

GAHC020000582024



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

Case No. : Crl. Pet./5/2024

SHRI HOMUGHA AND ANR
S/O YETOHO
VILLAGE- KILOMI VILLAGE
P.S. GHATHASHI
ZUNHEBOTO NAGALAND 2: SHRI. INAHOTO
S/O YEHO
VILAGE- KILOMI
P.S. GHATHASHI
ZUNHEBOTO NAGALAN

VERSUS

THE STATE OF NAGALAND AND 2 ORS
NAGALAND KOHIMA 2:MR OKITO CHISHI (COMPLAINANT NO.1)
S/O GHOKHETO CHISHI
P/ADDRESS- MEDICAL COLONY
AGHUNATO ZUNHEBOTO

3:MR. NOTO T. KIHO (COMPLAINANT NO. 2)
R/ ADDRESS- MEDICAL COLONY
AGHUNATO ZUNHEBOT

Advocate for the Petitioner : JOSHUA SHEQI, NAGALI SHOHE, CHINGMEI
KONYAK, MIKA H AYE, KEDI KOSO, K LILY SWU, P MHONBENI EZUNG, KEVI
KIRE, YEKA SUMI, KIVITOLI SWU, ATOKA

Advocate for the Respondent : P.P, NAGALAND,

**B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER**05.11.2024**

Heard Ms. P. Mhonbeni Ezung, learned counsel for the accused/petitioners. Also heard Mr. Medo Vero, learned counsel for the respondent Nos. 2 and 3/informants and Mr. K. Angami, learned Public Prosecutor for the State.

2. By this application under Section 482 CrPC, the accused/petitioners is seeking quashing of the criminal proceedings lodged against the accused persons in G.R.127/2023 corresponding to Ghathashi Police Station Case No. 03/2023 registered under Sections 107/110/320/325/329/341/34 of Indian Penal Code.

3. Ms. P. Mhonbeni Ezung, learned counsel for the accused/petitioners submits that the current application for quashing of the said proceedings has been filed in view of the compromise arrived between the parties which is recorded in the Agreement dated 10.01.2024 enclosed as Annexure-B-1 to the Criminal Revision petition.

4. Mr. Medo Vero, learned counsel for the informants concedes to the aforesaid compromise arrived between the informant and the accused petitioners and further submits that in pursuant to the aforesaid compromise, the informants have already written a letter to the jurisdictional Investigating Officer for withdrawing the FIR lodged against the accused/petitioners.

5. I have heard the submissions made at the bar and perused the material available on record.

6. Apt to refer to Compromise Agreement dated 10.01.2024 which is reproduced hereunder for ready reference:-

*“Office of the
HOSHEPU VILLAGE COUNCIL
AGHUNATO: NAGALAND*

Motto: "To Receive Forefathers' Blessings"

Date 10.01.2024

The issue that arose between Hoshepu village and Mudutsugho is hereby compromised on 10.01.24 in the name of God with reference from the Bible passage Col 3:13

Members present during the meeting:

- 1. The village elders and church staff of Hoshepu village.*
- 2. The village elders and church staff of Mudutsugho village*
- 3. Aghunato Area Union Zunheboto.*

Hoshepu Village

Mudutsugho village

(Illegible)

1. VCC: Ino Kiyeshe Zhimo

(Illegible)

1.VCC:Ino Danie Wotsa

(Illegible)

2. Secy: Ino Shetovi Ayemi

(Illegible)

2. Secy Ino Tonivi Tuccu”

7. It appears that the informants and the accused petitioners in the presence of the Village Elders have compromised the matter and in pursuance of such compliance, the informants by letter dated 12.01.2024 has requested the Officer-in-Charge, Ghathashi Police Station, Zunheboto, Nagaland to withdraw the FIR which has been lodged against the accused/petitioners.

8. Relevant portion of the aforesaid letter is also reproduced for

ready reference:-

“To,

*The Officer In-Charge
Bghatashi Police Station
Zunheboto, Nagaland*

*Sub:- "Withdrawal of F.I.R lodged on 21st Dec.2023 for
(Mudutsugho) incident."*

Sir,

*As cited above on the subject we the undersigned complainants
(Victims) of the Mudutsugho incident would like to state that, the
'Hoshpeu Village Council', 'Mudutsugho Village council' along with
the GBs and village elders of the both the village in presence of
the Victims and Culprits had a reconciliation meeting on 10th of
January 2024 at Council Hall Hoshpeu Village and have
reconciled unconditionally in the name of our God.*

We therefore, hereby withdraw the F.I.R.

We thank you and your team for your service.

Enclosed-Signed Reconciliation Paper.

Yours sincerely,

*1. Okito Chishi
Complainant*

*2. Noto T. Kiho
Complainant"*

9. In view of the endorsement made by the learned counsels for the parties and the compromise arrived between them, this Court is of the considered view that further continuance of the criminal proceedings against the accused petitioners shall not be justified.

10. Accordingly, the FIR dated 21.12.2023 in GR No.127/2023 corresponding to Ghathashi PS Case No. 03/2023 registered under Sections 107/110/320/325/329/341/34 of Indian Penal Code stands set aside and quashed.

Disposed of.

Sd/-

JUDGE

Comparing Assistant