



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

Case No. : Crl. Pet./29/2024

SHRI MHALUPRA CHIZO
PERMANENT R/O MUTSALE VILLAGE
PHEK NAGALAND
CURRENTLY RESIDING AT SEPFUZOU COLONY
NEAR ALDER COLLEGE
KOHIMAN NAGALAND

VERSUS

THE STATE OF NAGALAND AND 6 ORS
REPRESENTED BY THE OFFICER-IN-CHARGE
CHOZUBA POLICE STATION
PHEK NAGALAND-797104 2:SMTI SETSUTOLU SAPUH
D/O VETISAYI SAPUH
PEERMANENT R/O RUZAZHO VILLAGE
PHEK NAGALAND
M.NO. 6909680820

3:SHRI SESATO SWURO
CHAIRMAN
RUZAZHO VILLAGE COUNCIL
RUZAZHO
PHEK NAGALAND

4:SMTI VESAKHOLU VESWUH
CHAIRPERSON
RUZAZHO WOMEN SOCIETY
RUZAZHO VILLAGE
PHEK NAGALAND

5:SHRI KHRUKUTO SWURO
PRESIDENT
YOUTH FEDERATION
RUZAZHO VILLAGE

PHEK NAGALAND

6:SHRI SHOTHARATO SAPUH
PRESIDENT RUZAZHO STUDENTS UNION
RUZAZHO VILLAGE
PHEK NAGALAND

7:SHRI SHOYIPRA SAPU
CHAIRMAN OF RUZAZHO VILLAGE COUNCIL
RUZAZHO VILLAGE
PHEK NAGALAN

Advocate for the Petitioner : S. RANA, L. IRALU, MENOSIENO

Advocate for the Respondent : GOVT ADV NL,

BEFORE
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 08.11.2024

Heard Mr. L. Iralu, learned counsel for the petitioner. Also heard Mr. A. Sophie, learned counsel for the respondent nos. 4, 5, 6 and 7 (complainant), Ms. Wonchano Humtsoe, learned counsel for the respondent no. 2 (victim) and Mr. K. Angami, learned Public Prosecutor for the state of Nagaland.

By way of this petition under Section 482 of the CrPC, the petitioner is seeking quashing of the criminal proceedings in GR Case No.50/23 pending before the learned Judicial magistrate First Class (JMFC), Phek, Nagaland, arising out of Chozuba PS Case No.11/23 under Section 354C/500 IPC read with section 66E IT Act, on the basis of compromise/settlement arrived at between the

alleged accused/petitioner and the victim and complainants.

The case of the prosecution as transpires from the FIR dated 11.09.2023 is that the accused petitioner and the victim were in a relationship and after their relationship having been broken, the accused petitioner on 03.09.2023 posted explicit pictures containing nudity of the victim without her consent using her face book stolen account.

Pursuant to the registration of the FIR, it appears that a compromise was entered between the victim and the accused person, wherein they have amicably settled the matter amongst themselves and pursuant to such amicable settlement, the victim has agreed not to pursue the criminal complaint lodged against the alleged accused.

It further appears that in addition to the aforesaid compromise, both the victim as well as the complainant has filed affidavit-in-opposition in the present criminal proceedings, wherein they have categorically averred that they have no objection if the criminal proceedings are quashed.

Mr. A. Sophie, learned counsel for the respondent nos. 4, 5, 6 and 7 (complainant) as well as Ms. Wonchano Humtsoe , learned counsel for the respondent no. 2 (victim) also conceded to the same.

The deed of compromise dated 19.06.2024 is

reproduced hereunder for ready reference:-

“Date: 19/06/2024...”

• **(DEED OF COMPROMISE)**

THIS DEED OF COMPROMISE is made on this the 19th day of June, 2024, at Phek, Nagaland.

BETWEEN

MISS SETSUTOLU SAPUH, D/o Shri. Vetisayi Saphu, aged about 20 years, resident of Village Ruzazho, District - Phek, State Nagaland (hereinafter referred to as "**Victim**" for brevity) of the **one part**;

AND

SHRI. MHALUPRA CHIZO, S/o Shri. Velazo Chizo, aged about 24 years, resident of Village - Mutsale, District - Phek, State Nagaland (hereinafter referred to as "**Alleged accused**" for brevity) on the other part.

WHEREAS- The victim had lodged a criminal complaint before the Officer-in-Charge, Police Station Chozuba, District Phek, State -Nagaland, Pin-797104 on 11th September, 2023 against the alleged accused through Shri. Sesato Swuro, Chairman, Ruzazho Village Council, Phek, Nagaland along with Smti. Vesakholu Veswuh, Chairperson, Ruzazho Women Society, Phek, Nagaland, Mr. Khrukuto Swuro, President, Youth Federation, Ruzazho Village, Phek, Nagaland and President, Ruzazho Students' Union, Phek, Nagaland Chairman (herein after referred to as "**Informants**" for brevity) whereby alleging that, the alleged accused had posted explicit pictures containing nudity of the victim without her consent using her stolen Facebook account on 03.09.2023.

AND WHEREAS - the said complaint was registered by the Officer-in- Charge, Police Station Chozuba, District - Phek, State -Nagaland, Pin 797104 as G. R. NO. 50/23, Chozuba PS Case No. 11/23, U/S 354(C)/ 500 IPC r/w Section 66E

IT Act, and the same is pending before the Hon'ble Court of Chief Judicial Magistrate, Phek, Nagaland.

AND WHEREAS - *the alleged accused and the victim being lovers were in a live-in relationship for some years. However due to some mis-understanding and misapprehension, which cropped up between them. The alleged accused, out of anger and without considering the consequences that could follow, inadvertently posted explicit pictures containing nudity of the victim without her consent using her stolen Facebook account on 03.09.2023.*

AND WHEREAS - *after the said incident, the alleged accused being remorseful of his act, and with the sole intention to seek forgiveness, approached the victim and her family members with an unconditional apology for the wrong act as committed by him. Accordingly, the victim and her parents, considering the remorse which the alleged accused had decant to them, as such a meeting was convened, wherein the alleged accused and victim along with their respective family members, relatives, informants and village council-members were present to decide on the issue.*

AND WHEREAS - *The victim and the alleged accused, along with her family members, relatives and informants have agreed to settle the matter amicably by a settlement on the terms and conditions hereinafter stated.*

NOW THIS COMPROMISE WITNESSES *and both the parties hereto hereby agrees as follows:*

1. **THAT** - *having taken into consideration the love and affection which the alleged accused and the victim had for each other for years, the remorse, which the alleged accused had decant before the members present, and also having regard to the age, character, antecedents and the extenuating circumstances under which the offence was committed, an amicable settlement was proposed between the two parties, wherein after considering all the aspects, the victim and her family members in the presence of the concerned parties present had*

agreed to forgive the alleged accused, and allow him to move ahead in life.

*2. That the **Victim** agrees not to pursue the criminal complaint lodged against the alleged accused any further and the said criminal complaint against the alleged accused may be dismissed by the concerned Court..*

*3. In further pursuance of the said agreement and in consideration of the unconditional apology and the remorse which the alleged accused had decant, the **Victim** do hereby release and discharge the alleged accused from all the said liabilities and from all actions, claims and demands or any of them against the alleged accused in respect thereof.*

4. That the alleged accused shall give notice of his due apology of his remorse in print media.

5. That, the alleged accused shall bind himself to keep the peace and to be of good behavior.

6. All the terms and conditions of the proposed settlement have been fully explained to both the parties and the said parties has in consultation with the relatives and friends have carefully examined and considered the same and has given their free consent.

7. It is also declared by both the parties that, this DEED OF COMPROMISE is executed in sound mind and robust health and on their own volition without any force, undue influence or coercion from any source.

***IN WITNESS WHEREOF** the parties along with the witnesses present have hereto set their hands the day, month and year first written above.”*

Paragraph 4,5 and 6 of the affidavit-in-opposition filed by the victim/respondent no. 2 is also reproduced hereunder for ready reference:-

“4. That the answering deponents beg to state that the petitioner being remorseful of his act, and being a young man with a future ahead of him and as such the petitioner and the respondent No. 2, 4, 5, 6 & 7 agreed to settle the matter amicably. Thereafter a compromise deed dated 19th June 2024 was executed between the petitioner and respondent No. 2 in presence of the answering deponents.

5. That the answering deponents beg to state that since both the petitioner and the respondent No. 2 are in their youthful age with future ahead of them and as the matter being settled amicably between the parties, the answering deponents no longer wishes to pursue the criminal case pending before the Judicial Magistrate First Class, Phek, Nagaland, for the sake of both the petitioner and the respondent No. 2, in order to enable them to let go of their past and proceed towards better future in their lives ahead.

6. That the answering deponents beg to state that for the greater interest of the citizens of Ruzazho village in general and the accused and victim (respondent No. 2) in particular, the answering deponents are content as the matter have been settled amicably and has no objection whatsoever if the criminal proceedings are quashed.”

In view of the aforesaid endorsement made by the learned counsels appearing for the complainant/victim and perusal of the compromise as reproduced hereinabove as well as averments made in the affidavit-in-opposition filed by both the complainant and victim, further continuation of the criminal proceedings against the accused petitioner in the facts and circumstances of the case shall not be justified.

Accordingly, for the ends of justice, the criminal proceedings in GR Case No.50/23 pending before the learned Judicial Magistrate First Class (JMFC), Phek, Nagaland, and the connected FIR in Chozuba PS Case

No.11/23 stands quashed.

With the above observation and direction, the Criminal Petition stands allowed.

Disposed of.

JUDGE

Comparing Assistant