

HIGH COURT OF TRIPURA
AGARTALA

Crl. Petn No.21 of 2025

Sri Sukanta Choudhury,
Son of late Arunmoy Choudhury, resident of Kalinagar, Belonia, P.S.
Belonia, District – South Tripura.

..... Petitioner(s)

- V e r s u s -

- 1. The State of Tripura.**
- 2. Sri Sanjit Dey,**
Son of Sri Santosh Dey, resident of Kathaltali, P.O Dukli, P.S.
Amtali, District – West Tripura.
- 3. Sri Tushan Banik,**
Son of Sri Tulsi Banik, resident of Village and P.O.
Nehalchandranagar, Sub-Division–Bishalgarh, P.S.-Bishalgarh,
District–Sepahijala, Tripura.

.....Respondent(s)

For the Petitioner(s)	:	Mr. Sankar Lodh, Advocate.				
For the Respondent(s)	:	Mr. Rajib Saha, Addl. P.P., Mr. Koomar Chakraborty, Advocate.				
Date of hearing	:	24.09.2025.				
Date of Judgment & Order	:	17.12.2025.				
Whether fit for reporting	:	<table border="1"><tr><td>YES</td><td>NO</td></tr><tr><td></td><td>√</td></tr></table>	YES	NO		√
YES	NO					
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HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA
JUDGMENT & ORDER

Heard Mr. Sankar Lodh, learned counsel, appearing for the petitioner, Mr. Rajib Saha, learned Additional Public Prosecutor, appearing for the respondent-State and Mr. Koomar Chakraborty, learned counsel appearing for the private respondents.

[2] This criminal petition under Section 528 of Bharatiya Nagrik Suraksha Sanhita, 2023 (for short, 'BNSS'), is filed by the accused petitioner-Sukanta Choudhury [here-in-after referred to as the petitioner], for quashing the FIR registered at Amtali PS, vide Amtali P.S. Case No. AMT 022/2025 under Sections 318, 115(2), 304(2) and 351 of Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

[3] The respondent no.2 lodged the said FIR with the allegations that the petitioner being an employee of Tripura University, under the pretext of giving job to one of his family members in said Tripura University had taken an amount of Rs.2,00,000/- from him and also had taken an amount of Rs.2,00,000/- from other people on the same pretext. When he learnt about taking of such money by the petitioner from different persons exercising fraud, he asked the petitioner to return his amount. That on 03.03.2025, in the morning, the petitioner called the respondent No.2 to discuss the matter and at around 12:00 pm on that day he along with his two friends went there and found the petitioner with 8/10 other persons present there but on his arrival, the petitioner denied to repay the money, rather abused him with filthy languages and also physically assaulted him by fists and blows causing physical injuries on his person. On hearing his hue and cry, some other locals arrived there and meanwhile, the petitioner snatched away his gold-chain from his neck and also

took his wallet in which around Rs.2,500/- was there and ran away from the spot.

[4] The police authority registered the case under the above provisions of law and started investigation.

[5] Thereafter, both the said petitioner and respondent Nos.2 & 3 jointly submitted another petition earlier for quashing of the said FIR bearing CrI. Petn. No. 16 of 2025. However, the said petition was withdrawn by them with liberty to file a fresh petition on behalf of the petitioner for quashing the same. Thereafter, the present petition has been filed.

[6] Respondent No.3 also filed an FIR with identical allegations in the said Police Station against the present petitioner. It is stated that both respondent No.2 and 3 are friends and the said FIR of respondent No.3 has been tagged with the instant case.

[7] During hearing, learned counsel, Mr. Sankar Lodh, appearing for the petitioner, submits that the matter has been amicably settled between the parties and amongst the provisions of Sections 318, 115(2), 304(2) and 351 of BNS, only offence under Section 304(2) i.e. alleged snatching of gold-chain, is non-compoundable and all other offences are compoundable.

[8] Learned counsel, Mr. Lodh, also submits that both the petitioner and respondent Nos.2 & 3 have settled the matter and thus, there is no further grievance of the respondents persists.

Therefore, the FIR may be quashed exonerating the petitioner from the criminal responsibility of said case.

[9] Learned Additional Public Prosecutor, Mr. Rajib Saha, appearing for the State submits that the State has no objection if the petition is allowed. He also further contends that the informant earlier submitted one affidavit to the Investigating Officer (for short, 'IO') informing that the matter was settled and then the IO sent one notice to him to appear before him (IO), but he has not appeared.

[10] Learned counsel, Mr. Koomar Chakraborty, representing respondent Nos.2 and 3, submits that they have no objection if the petition of the petitioner is allowed.

[11] The petitioner has submitted an agreement of settlement signed both by him and said respondent Nos.2 & 3 jointly wherein it is stated that the petitioner has returned the money amounting to Rs.2,00,000/- to the respondent No.2 and he has also sought apology for using filthy languages towards the respondent no.3. It is further stated that respondent Nos.2 & 3 have forgiven the first party and they do not bear any further grievance against each other. He has also sought apology towards the respondent No.3 for physically assaulting him. Therefore, none of them further carry any grievance against each other. As already stated above, one of the alleged offences, i.e. Section 304(2) of BNS, is not compoundable. Therefore, just on the basis of such settlement, parties cannot be allowed to compound the matter.

[12] Mr. Lodh, learned counsel for the petitioner in this regard relies on a decision of the Hon'ble Supreme Court in case of ***N.S. Gnaneshwaran Etc. Versus the Inspector of Police and Another, 2025 LiveLaw (SC) 654***, wherein the appellants (accused Nos.3 and 6) in C.C. No. 16 of 2006 were arrayed in said case on the basis of a complaint lodged by a Bank (respondent No.2 of said case) alleging that the accused persons caused wrongful loss to the Bank to the tune of Rs. 25.89 lakhs, which culminated into filing of charge sheet against nine accused persons, including the appellants. The allegation against appellant No. 1 was that he was instrumental in orchestrating the fraudulent diversion of funds sanctioned to one M/s Vinayaka Corporation and facilitate the encashment of multiple cheques drawn from the fraudulently obtained credit limit, using a network of relatives, employees, and fictitious persons. Further allegation against him was that he had forged signatures and diverted the funds through various accounts linked to his family members and associates. Parallel to said criminal case, the Bank also initiated recovery proceedings before the Debt Recovery Tribunal and on the prayer of wife of accused No.7, the High Court quashed the FIR so far it pertains to her. In identical cases initiated by the Central Bureau of Investigation (for short, 'CBI') against the appellants and other accused based on the same set of transactions, a settlement was arrived at between the principal accused and the Bank for an amount of Rs. 52,79,000/- and taking note of this compromise, the High Court proceeded to quash the proceedings against the

accused on the ground of parity and extended similar relief to the appellants in said case. Bank also subsequently floated a One Time Settlement (for short, 'OTS') scheme, which was availed of by the accused nos. 4 and 5 and upon full repayment of the dues, the Bank also recorded its satisfaction in the pending recovery proceedings, which were dismissed on such settlement.

In view of above said subsequent change of circumstances and also taking note of such settlement, the Hon'ble Supreme Court observed that allowing the criminal proceedings to continue would serve no meaningful purpose, particularly when the dispute between the parties was already resolved through a full and final settlement and there was no continuing public interest in such circumstances. Accordingly, the Hon'ble Apex Court quashed the criminal proceeding.

[13] In *State of Madhya Pradesh Versus Laxmi Narayan and others, (2019) 5 SCC 688*, the Hon'ble Supreme Court observed that 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 the 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 or not and why he was absconding, how he had

managed with the complainant to enter into a compromise etc.

The entire relevant paragraphs are extracted hereunder:

“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 the 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/delicate 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 paras 29.6 and 29.7 of the decision of this Court in *Narinder Singh* 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.

[14] In *Gian Singh Versus State of Punjab and another*, (2012) 10 SCC 303, it was also observed by the Hon'ble Supreme Court that quashing of offence or criminal proceedings on the

ground of settlement between an offender and the victim is not the same thing as compounding of offence. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored.

[15] In the case in hand, the matter has been settled by the parties and the petitioner has also paid the amount of alleged cheating to the respondent No.2. In such a situation, it will be a futile exercise to proceed further with the criminal proceeding as initiated based on the FIR of the respondent No.2. There is no likelihood of ending of the same by way of conviction. The alleged crime is private in nature though related to monetary transaction. By way of terminating the criminal proceeding, as prayed for, the good relation between the parties will also be restored.

[16] Considering all these aspects, the instant criminal petition is allowed. The FIR No. AMT 022/25 of Amtali PS, is hereby quashed. Pending application(s), if any, stands disposed of.

JUDGE