

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

Cril.Petn. No. 34 of 2025

- 1. Subadani Adhikarimayum**, aged about 46 years, W/o Moirangthem Surkumar Singh and D/o A. Kadambini of Bheigyabati Leikai, P.O. & P.S. Porompat, Imphal East District, Manipur at present Brahmapur Adhikarimayum Leirak, Lane-1, P.O. & P.S. Porompat, Imphal East District, Manipur.
- 2. Moirangthem Surkumar Singh**, aged about 46 years, S/o Moirangthem Surendrakumar Singh of Bheigyabati Leikai, P.O. & P.S. Porompat, Imphal East District, Manipur.

...Petitioner/s

-Versus-

1. The State of Manipur represented by the Chief Secretary (Home), , Government of Manipur, Secretariat Block, P.O. & P.S.-Imphal, Imphal West-795001.
2. The Director General of Police, Manipur, Porompat, P.O. & P.S.-Porompat, Imphal East-795005.
3. The Superintendent of Police, Manipur, Porompat, P.O. & P.S.-Porompat, Imphal East-795005.
4. The Officer-in-Charge, Women Police Station, Porompat, P.O. & P.S.-Porompat, Imphal East-795005.
5. The Investigation Officer, Women Police Station, Porompat, P.O. & P.S.-Porompat, Imphal East-795005.

...Respondent/s

-B E F O R E-

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

For the **Petitioners** :: Mr.L. Seityandra, Advocate

For the **Respondents** :: Mr. Y. Ashang, Sr. Counsel & PP
Mrs. RK Emily, Dy. GA

Date of **Hearing** :: 05-06-2026

Date of **Order** :: 05-06-2026

O R D E R (O R A L)

Heard Mr. L. Seityandra, learned counsel appearing for the petitioners and Mr. Y. Ashang, learned senior counsel and PP assisted by Mrs. RK Emily, learned Dy. GA appearing for the respondents.

[2] The present petition has been filed under section 528 of the BNS 2023 for quashing the FIR No. 24(08)2024 WPS (IE) U/S 109, 115, 359 of BNS in the WPS, Imphal East.

[4] The facts of the present case in a nutshell is that the two petitioners are spouses. Petitioner No. 1 is the wife of the petitioner No. 2, they were married on 01-06-2020. After some months of their marriage, some disputes arose as they were incompatible with each other. The petitioner No. 1 left their matrimonial home for her parental home on 13-08-2024 and on the next day i.e. on 14-08-2024, the petitioner No. 1 (herein after referred to as 'wife') made a complaint against the petitioner No. 2 (herein after referred to as 'husband') to the Officer In-Charge, Women Police Station, Imphal East, that her husband suddenly started harassing her mentally and physically and that the wife

silently ignored all the ill treatments and did not make any compliant.

[5] That in the evening of 11-08-2024 (Sunday) at around 8:30 p.m., her husband tried to kill her by smothering with a pillow inside their bedroom. She prayed and pleaded to spare her life and then afraid of further escalating the issue, the wife did not tell this incident to her maternal family members. However, the husband kept threatening her and that she is concerned for her life and hence, she filed the said complaint to the Police to take legal action against her husband.

[6] On the basis of the said complaint, the above mentioned FIR has been registered against the husband and the husband was arrested on 15-08-2024 by the Personnel of the Women P.S., Imphal East in connection with the said FIR case.

[7] Thereafter, the petitioner was remanded to the Judicial Custody and subsequently the Sessions Judge, Imphal East granted him bail and the petitioner was released on bail, vide order dated 07-09-2024 passed by the Sessions Judge, Imphal East in Cril.Misc.Case No. 102 of 2024.

[8] Subsequently, the wife filed a Divorce Suit against the husband before the Family Court, Imphal East at Lamphelpat. At the time of counselling, the dispute between the husband and the wife were amicably settled and the Counsellor submitted a report on 17-12-2024 to the Hon'ble Family Court, Imphal East. On the basis of the said report, the Family Court granted the dissolution of their marriage by a decree of divorce vide order dated 16-01-2025 passed in Mat.(Div.) Suit No. 87 of 2024. The terms and condition arrived between the husband and wife are reproduced hereunder for ready reference :-

"TERMS AND CONDITIONS

- i. Both parties agreed to dissolve their marriage which was solemnized on 01-06-2020 by a decree of divorce.**
- ii. Both parties agreed that the petitioner shall not claim any permanent alimony and monthly maintenance allowance from the respondent.**
- iii. The petitioner shall take her stridhan property on 22-12-2024 between 8 am to 4 pm the respondent agreed so.**
- iv. It was also agreed between the parties that the petitioner shall withdraw the case which was registered as F.I.R No. 24(08) 2024 WPS-(IE) U/S :109/ 11/351 BNS added Section 85 BNS.**
- v. Both parties agreed that they shall not interfere with each other in their future lives."**

[9] On the basis of the settlement arrived at between the husband and wife, the present writ petition has been filed jointly by the husband and wife for quashing the said FIR.

[10] It has been brought to the notice of this Court by both the counsel appearing for the parties that the charges have been framed against the husband for an offence under section 115, 351(3) and 85 of the Bharatiya Nyaya Sanhita, 2023 (BNS) by the Sessions Judge, Imphal East vide order dated 07-02-2026 passed in Sessions Trial No. 1 of 2026.

[11] The learned counsel appearing for the petitioner submitted that except for the offence under section 85 of BNS, all the other offences under section 115 and 351(3) of BNS are compoundable. It has also been submitted by the learned counsel for the petitioner that on the basis of the amicable settlement arrived at between the husband and wife, they jointly filed this petition with a prayer for quashing the said FIR.

[12] The learned counsel also submitted that the Criminal proceeding initiated pursuant to the FIR in question would amount to abuse of the process of law and quashing of the said FIR would

serve the ends of justice as both the petitioners have come to a settlement. The learned counsel, accordingly, prays for allowing the present petition by quashing the impugned FIR.

[13] To support his contention, the learned counsel cited the principle laid down by the Hon'ble Supreme Court in the case of **"Jitendra Raghuvanshi & ors. Vs. Babita Raghuvanshi & anr."** reported in **(2013) 4 SCC 58**. In the said judgment, the Hon'ble Supreme Court, inter alia, held as under :-

"14. The inherent powers of the High Court under Section 482 of the Code are wide and unfettered. In B.S. Joshi, this Court has upheld the powers of the High Court under Section 482 to quash criminal proceedings where dispute is of a private nature and a compromise is entered into between the parties who are willing to settle their differences amicably. We are satisfied that the said decision is directly applicable to the case on hand and the High Court ought to have quashed the criminal proceedings by accepting the settlement arrived at.

"15. In our view, it is the duty of the courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on considerable increase. Even if the offences are

non-compoundable, if they relate to matrimonial disputes and the Court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings.

"16. There has been an outburst of matrimonial disputes in recent times. The institution of marriage occupies an important place and it has an important role to play in the society. Therefore, every effort should be made in the interest of the individuals in order to enable them to settle down in life and live peacefully. If the parties ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law, in order to do complete justice in the matrimonial matters, the courts should be less hesitant in exercising their extraordinary jurisdiction. It is trite to state that the power under Section 482 should be exercised sparingly and with circumspection only when the Court is convinced, on the basis of material on record, that allowing the proceedings to continue would be an abuse of process of court or that the ends of justice require that the

proceedings ought to be quashed. We also make it clear that exercise of such power would depend upon the facts and circumstances of each case and it has to be exercised in appropriate cases in order to do real and substantial justice for the administration of which alone the courts exist. It is the duty of the courts to encourage genuine settlements of matrimonial disputes and Section 482 of the Code enables the High Court and Article 142 of the Constitution enables this Court to pass such orders.

"17. In the light of the above discussion, we hold that the High Court in exercise of its inherent powers can quash the criminal proceedings or FIR or complaint in appropriate cases in order to meet the ends of justice and Section 320 of the Code does not limit or affect the powers of the High Court under Section 482 of the Code. Under these circumstances, we set aside the b impugned judgment of the High Court dated 4-7-2012 passed in Rajendra Singh Raghuvanshi v. Aarkshi Kendra Police Mahila Thana¹ and quash the proceedings in Criminal Case No. 4166 of 2011 pending on the file of the Judicial Magistrate Class 1, Indore."

[14] Mr. Y. Ashang, learned Senior counsel & PP submitted that he had perused the judgment cited by the learned counsel for the petitioner and the learned PP fairly submitted that taking into consideration the amicable settlement arrived at between the husband and wife, any appropriate order as deem fit and proper may be passed by this Court.

[15] In the present case, there is no dispute with regard to the fact that the dispute between the husband and wife is purely matrimonial in nature and it is also an admitted fact and on record that the husband the wife have already settled their dispute amicably and on the basis of such settlement, a decree of divorce had been granted by the Family Court and that they are now separately leading their lives. It may also be noted that in the terms of settlement arrived at between the husband and wife, an agreement has been arrived at that the wife shall withdraw the case , which is the FIR in question and that they have also agreed that they shall not interfere with each other in their future lives.

[16] In the **Jitendra Raghuvanshi case (supra)**, the Hon'ble Supreme Court held that the inherent power of the High Court under section 482 of the Code (now section 528 BNS, 2023)

are wide and unfettered and the Hon'ble Supreme Court upheld the powers of the High Court under the said section to quash criminal proceedings where dispute is of a private nature and where a compromise is entered into between the parties, who are willing to settle their disputes amicably.

[17] It has also been held that it is the duty of the Courts to encourage genuine settlements of the matrimonial disputes, particularly, when the same are on considerable increase and that even if the offences are non compoundable, if they relates to matrimonial disputes and the Court is satisfied that the parties have settled the same amicably without any pressure, for the purpose of securing ends of justice, Section 320 of the Code (now 359 of BNS) would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings.

[18] Respectfully following the principle laid down by the Hon'ble Supreme Court, in the case of "**Jitendra Raghuvanshi case (supra)**", and taking into consideration that the petitioners, who are spouses, have amicably settled the dispute without any pressure, this Court is satisfied that the petitioners have been able

to make out a case. In the result, the impugned FIR being No. 24(08)2024 WPS-(IE) U/S 109, 115, 359 of BNS filed in the WPS, Imphal East is hereby quashed and set aside. Consequently, as a result of quashing the said FIR, the proceeding of the Sessions Trial in Cril.P. No. 4 of 2026 in the Court of Imphal East are also quashed and set aside.

[18] With the aforesaid directions, the present petition is disposed of.

JUDGE

Dhakeshori