

**HIGH COURT OF TRIPURA
AGARTALA**

Crl. Petn. No. 09 of 2026

Smt. Tulika Bhuiya,
W/O. Sri Jayanta Deb,
R/O. Town Bordowali, Mantri Bari Road,
Extension, Near Steel Bridge,
P.S. West Agartala, Dist. West Tripura.

---- Petitioner(s)

Versus

- 1. The State of Tripura.**
- 2. Sri Jayanta Deb,**
S/O. Lt. Amulya Chandra Deb,
Of Subhash Palli, Agartala,
P.S. A.D Nagar, Dist. West Tripura.
- 3. Smt. Subha Rani Deb,**
W/O. Lt. Amulya Chandra Deb,
Of Subhash Palli, Agartala,
P.S. A. D. Nagar, Dist. West Tripura.

----Respondent(s)

For Petitioner (s)	:	Mr. Saikat Rahman, Adv.
For Respondent(s)	:	Mr. Raju Datta, PP. Miss. Haba Debbarma, Adv.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

13/03/2026

Learned Counsel Mr. Saikat Rahman, is present for the petitioner as well as Miss. Haba Debbarma, Learned Counsel is present on behalf of the respondents No.2 & 3 and Mr. Raju Datta, Learned PP is present on behalf of the respondent No.1.

This petition has been filed under Section 482 Cr.P.C. corresponding to Section 528 of The Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS) praying for quashing of West Agartala, Women PS Case No.2024W A W004 under Section 363/323/498A/34 IPC now pending before the Court of Ld. Judicial Magistrate, 1st Class, (Court No.6), West Tripura, Agartala corresponding to case No. PRC (WP) 242 of2024.

At this stage Learned Counsel Mr. Rahman, appearing on behalf of the petitioner submitted that due to some familial unrest the present petitioner filed the case against her husband and mother-in-law, which has been ended in charge-sheet. But after filing of the case the matters in dispute have been amicably settled amongst the parties and since last few months the present petitioner and the respondent No.2 are staying together as husband and wife.

It is further submitted by Learned Counsel that the respondent No.2 being the husband of the petitioner has submitted one affidavit before this Court and in para Nos. 7 & 8, he has mentioned the said fact. It was further submitted that in the meantime some other cases were filed by the present petitioner which were later on withdrawn. So Learned Counsel urged for passing appropriate order for quashing of the said proceeding exercising the power under Section 528 of BNSS.

Learned PP appeared on behalf of the State and submitted that since the petitioner himself has laid the FIR and this is a case under Section 498A IPC, so, at this stage there is very least scope to entertain the petition on the grounds as submitted by Learned Counsel for the petitioner since, the Section under which the charge-sheet is submitted does not come under the purview of the compoundable offence.

Learned Counsel Miss. Haba Debbarma, appearing on behalf of the respondent Nos.2 & 3 submitted that the said respondents shall have no objection if an order is passed for quashing of the proceeding.

Heard both the sides at length and also perused the records of the Learned Trial Court.

In this case on completion of investigation the IO has submitted a charge sheet against the present respondent Nos. 2 & 3 under Section 498A of IPC and accordingly by order dated 05.06.2024 cognizance of offence is

taken by the concerned Trial Court. This present petition has been filed under Section 482 of Cr.PC corresponding to Section 528 of BNSS. For the sake of convenience, let us reproduce here in below the relevant Section of 528 of BNSS provides as under:-

"528. Saving of inherent powers of High Court.

Nothing in this Sanhita shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Sanhita, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice."

I have perused the aforesaid provision. By the said provision legislature has given power to this High Court to pass such orders as may be necessary to give effect to any order under the Sanhita or to prevent abuse of the process of any Court or otherwise to secure the ends of justice. The present petition is filed for quashing of the proceeding pending before the Court of Learned Judicial Magistrate, 1st Class, but the contents of the petition does not empower this Court to invoke the said jurisdiction under Section 528 of BNSS at this stage, to quash the proceeding on the grounds that the subject matter of dispute has been amicably settled. It is not the case of the petitioner that for settlement of the dispute a joint petition was submitted to the Learned Court below which has been rejected by the Learned Trial Court.

If it was the situation, in that case, this Court could pass appropriate order invoking the jurisdiction of Section 528 of BNSS. So, considering the present facts and circumstances of this case I do not find any scope to pass any order under Section 528 of BNSS for quashing of the proceeding. However, since the subject matter has been amicably settled amongst the parties and one affidavit in this regard has been submitted by

the respondent Nos. 2 & 3 before this Court and Learned Counsel for the said respondents also fairly submitted that both the parties are residing together for a quite long period, so, it would be prudent that the parties shall submit one joint application to the learned Court below narrating all the facts which shall thereupon pass appropriate order in accordance with law without being biased by the order of this Court and accordingly, this present petition stands disposed of.

The parties may accordingly approach to the Learned Trial Court.

Send down the records to the Learned Trial Court along with copy of this order.

JUDGE



SATABDI DUTTA

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Digitally signed by SATABDI DUTTA
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