GAHC040009052026

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

Case No. : Crl.Petn./156/2026

Kama Bagang Son of Late Chote Bagang, resident of Soshi Bagang Village, PO and PS Chayang Tajo, East Kameng District, Arunachal Pradesh

2: Smti Yasi Bagang Bengde
Age: Occupation :
Wife of Late Kakiu Benge resident of Village Bengde
PO Sawa PS Chayang Tajo East Kameng District
Arunachal Pradesh and presently residing at Holangi near Doni Polo Airport Tri Junction
PO and PS Hollangi Papum Pare District Arunachal Pradesh.

3: Cho Bengde
Age: Occupation :
Son of Late Khytong Bengde
resident of Village Bengde PO Sawa
PS Chayang Tajo East Kameng District Arunachal Pradesh.

4: Nima Bengde
Age: Occupation :
Son of Late Dayo Bengde
resident of Village Bengde
PO Sawa PS Chayang Tajo East Kameng District Arunachal Pradesh.

5: Nikam Bengde
Age: Occupation :
Son of Late Dayo Bengde
resident of Village Bengde
PO Sawa PS Chayang Tajo East Kameng District Arunachal Pradesh.

6: Rai Bengde
Age: Occupation :
Son of Late Bing Bengde
resident of Village Bengde
PO Sawa PS Chayang Tajo East Kameng District Arunachal Pradesh.

7: Khya Senya Bengde
Age: Occupation :
Son of Late Khya Tabing
resident of Village Bengde
PO Sawa PS Chayang Tajo East Kameng District Arunachal Pradesh.

8: Yafia Bengde
Age:
Occupation :
Son of Late Hari Bengde
resident of Village Bengde
PO Sawa PS Chayang Tajo East Kameng District Arunachal Pradesh.

9: Smti Melo Mangam Bengde
Age: Occupation :
Wife of Shri Yafia Bengde
resident of Village Bengde
PO Sawa PS Chayang Tajo East Kameng District Arunachal Pradesh

VERSUS

The State of AP represented by the PP of AP

Advocate for the Petitioner : Jambey Tsering, Tenzin Tsowang,Chatung Tajo
Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 19.06.2026

Heard Mr. Jambey Tsering, learned counsel for the petitioners. Also heard Ms. Topi Jini, learned Addl. P.P., Arunachal Pradesh, appearing on behalf of the sole respondent.

2. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita(BNSS), 2023, has been jointly filed by the informant, the victim and the accused persons in Seppa Women P.S. Case No. 23/2024, praying for quashing and setting aside of the proceedings of G.R. No. 124/2024 arising out of Seppa Women P.S. Case No. 23/2024 registered u/ss. 329(4), 74, 118, 117(2), and 3(5) of the Bharatiya Nyaya Sanhita, 2023; charge-sheet No. 01/2025, dated

12.03.2025; and the cognizance order dated 28.04.2025 pending before the Court of learned Chief Judicial Magistrate, Seppa.

3. The petitioner No. 1 Shri Kama Bagang is the informant, the petitioner No. 2 is the victim, and petitioner Nos. 3, 4, 5, 6, 7, 8 & 9, are the accused persons in the said Seppa Women P.S. Case No. 24/2024. The victim viz. Smti. Yasi Bagang Bengde(petitioner No. 2) is the daughter-in-law of Shri Cho Bengde(accused petitioner No. 3) and the rest of the accused persons i.e. petitioner Nos. 4, 5, 6, 7, 8 & 9, are members of the same family.

4. The brief facts of the case is that due to certain misunderstandings, suspicion and family discord regarding the personal conduct of the victim (petitioner No. 2), an altercation took place between the family members at Village Bengde, Chayang Tajo Circle, on 28.10.2024, causing minor injuries to her (petitioner No. 2). Owing to the strained family relationship prevailing at the relevant time, the informant Shri Kama Bagang (petitioner No. 1), being the brother of the victim(petitioner No.2), lodged a written First Information Report (FIR) before the Seppa Women Police Station, on 30.10.2024, alleging therein that on the night of 28.10.2024 at Village Bengde under Chayang Tajo Circle, the accused petitioner Nos. 3, 4, 5, 6 7, 8 & 9, had allegedly trespassed into the residence of the victim(petitioner No. 2), namely Smti. Yasi Bagang Bengde, and subjected her to physical assault, outraged her modesty and wrongfully restrained her. On the basis of the said allegation; Seppa Women P.S. Case No. 23/2024 was registered under Sections 329(4), 74, 118, 117(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023. Pursuant to the registration of the aforesaid First Information Report(FIR), investigation was carried-out by the Investigating Officer and upon completion of the investigation, Charge Sheet No. 01/2025 dated 12.03.2025 came to be submitted before the Court of learned Chief Judicial Magistrate, Seppa, against all the accused persons.

5. It is submitted that during the pendency of the case, with the intervention of village elders, mediators, relatives and well-wishers, the parties resolved their disputes amicably by executing a Family Settlement Agreement dated 16.06.2026. As a part of the settlement, the petitioner Nos. 3 to 9(accused persons) paid a sum of Rs. 1,50,000/- only to the victim(petitioner No. 2) towards medical expenses incurred by her and provided 1(one) Mithun as customary settlement. It is further stated in the agreement that the victim as well as the informant have mutually expressed that they have no grievance, ill-will, resentment, or, animosity against any of the accused persons and all are presently living peacefully and leading a harmonious life in the larger interest of their family, children and future generations. Therefore, it is submitted that continuance of the present criminal proceeding would serve no useful purpose and would only disturb the peace and harmony. It is, hence, prayed that all the petitioners have jointly approached the Court, praying for quashing and setting aside of the proceedings of G.R. No. 124/2024 arising out of Seppa Women P.S. Case No. 23/2024 registered u/ss. 329(4), 74, 118, 117(2), and 3(5) of the Bharatiya Nyaya Sanhita, 2023; charge-sheet No. 01/2025, dated 12.03.2025; and the cognizance order dated 28.04.2025 of the learned Chief Judicial Magistrate, Seppa.

6. It is further submitted that the Medico-Legal Case report of the victim(petitioner No. 2) opined that all injuries sustained by her, were simple in nature. It is also submitted that upon completion of the examination of petitioner No. 1(as PW-1) and petitioner No. 2(as PW-2), the learned Trial Court issued summons to the remaining prosecution witnesses and fixed 25.06.2026 for examination of the other witnesses. Accordingly, the criminal proceeding is presently pending before the Court of learned Chief Judicial Magistrate, Seppa, at the stage of recording of evidence.

7. In view of the above, the learned counsel for the petitioners, has further submitted that since the matter has been amicably settled between the parties, there is hardly any chance of conviction of the accused persons i.e. petitioner Nos. 3, 4, 5, 6, 7, 8 & 9, in the matter. Under such facts and circumstances, the learned counsel submits that the continuance of the proceedings against the accused persons (petitioner Nos. 3, 4, 5, 6, 7, 8 & 9) would be a futile exercise and would amount to abuse of the process of law. Therefore, he prays for quashing and setting aside of the proceedings of G.R. No. 124/2024 arising out of Seppa Women P.S. Case No. 23/2024 registered u/ss. 329(4), 74, 118, 117(2), and 3(5) of the Bharatiya Nyaya Sanhita, 2023; charge-sheet No. 01/2025, dated 12.03.2025; and the cognizance order dated 28.04.2025 of the learned Chief Judicial Magistrate, Seppa.

8. Ms. Jini, learned Addl. Public Prosecutor, Arunachal Pradesh, fairly submits that in view of the amicable settlement arrived at between the parties, and also considering that as per the injury report, the injury caused to the informant is simple in nature, as well as taking into account the fact that the informant(petitioner No. 1) and victim (petitioner No. 2) have no further grievance against the accused petitioner Nos. 3, 4, 5, 6, 7, 8 & 9, and does not wish to pursue the matter; he has no objection if the prayer of the petitioners is allowed.

9. I have heard the submissions advanced by the learned counsels for the parties and also perused the record.

10. The present case arose out of an altercation which allegedly took place between the family members of the petitioners at Village Bengde in the night of 28.10.2024, resulting in minor injuries to the victim (petitioner No. 2) leading to

the lodging of an First Information Report (FIR) on 30.10.2024. However, during the pendency of the trial, the parties have amicably settled the matter by executing a family settlement agreement on 16.06.2026. In the said deed of settlement, it has been stated that all the petitioners have resolved their grievances and an amount of Rs. 1,50,000/- and 1(one) Mithun as a traditional token of settlement was paid by the accused petitioners No. 3 to 9 to the victim(petitioner No. 2) and thus, they do not wish to pursue the case any further. The dispute appears to be personal in nature and does not affect the society at large. Given the facts and circumstances of the case, there appears to have been only a remote possibility of conviction. In view of the above, continuation of the criminal proceedings against the petitioner No. 1(accused) would be a futile exercise and would amount to an abuse of the process of law.

11. The Hon'ble Supreme Court in the case of ***State of Madhya Pradesh v. Laxmi Narayan & ors.,*** reported in ***(2019) 5 SCC 688*** held that the High Court in exercise of inherent power conferred under Section 482 of the Code of Criminal Procedure, 1973, can quash the criminal proceedings even for non-compoundable offences which are private in nature and do no have serious impact on society on the ground that there is a settlement/compromise between the victim and the offender.

12. In the light of the principle laid down by the Hon'ble Supreme Court in the case of ***Gian Singh v. State of Punjab & anr***., reported in ***(2012) 10 SCC 303***; ***Narinder Singh & ors. v. State of Punjab & anr***., reported in ***(2014) 6 SCC 466***, as well as in the case of ***Laxmi Narayan*** (supra), wherein the Court has permitted quashing of the proceedings even in non-compoundable offence in cases involved in private disputes which do not affect the society at large, this Court is of the opinion that this is a fit case where inherent power under Section 482 of the Code of Criminal Procedure, 1973/528 of the Bharatiya Nagarik Suraksha Sanhita,

2023, should be exercised to secure the ends of justice.

13. Accordingly, the proceedings in G.R. No. 124/2024 arising out of Seppa Women P.S. Case No. 23/2024 registered u/ss. 329(4), 74, 118, 117(2), and 3(5) of the Bharatiya Nyaya Sanhita, 2023; pending trial in the Court of learned Chief Judicial Magistrate, Seppa, against the petitioner Nos. 3, 4, 5, 6, 7, 8 & 9, namely, Shri Cho Bengde, Shri Nima Bengde, Shri Nikam Bengde, Shri Rai Bengde, Shri Khya Senya Bengde, Shri Yafia Bengde and Smti. Melo Mangam Bengde, respectively, is hereby quashed.

14. In terms of the above, the instant joint petition filed by the petitioners under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, stands allowed and disposed of.

JUDGE

Comparing Assistant