GAHC040010172026

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

Case No. : Crl.Petn./174/2026

Smti Premansai Mepu and 2 Ors
Daughter of Shri Thakpem Mepu, permanent resident of Loiliang Village, PO and PS Tezu, Lohit District, Arunachal Pradesh. 792001 2: Kadamso Maro
Age:
Occupation :
Son of Nariso Maro
permanent resident of Loiliang Village
PO and PS Tezu
Lohit District
Arunachal Pradesh. 792001

3: Jitu Maru
Age:
Occupation :
Son of Shri Nariso Maro
permanent resident of Loiliang Village
PO and PS Tezu
Lohit District
Arunachal Pradesh. 79200

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Phunai Wangpan, Ngilyang Yama,Yanum Singhi,Charu Bosco

Advocate for the Respondent : P P of AP,

-BEFORE-

HON'BLE MR. JUSTICE BUDI HABUNG

22.07.2026

[ORDER]

Heard Mr. P. Wangpan, learned counsel for the petitioners and Ms. L. Hage, learned Addl. PP for the State.

2. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita(BNSS), 2023, has been jointly filed by the informant and the accused persons, praying for quashing and setting aside of the proceedings of G.R. No. 03/2021 arising out of Tezu Women P.S. Case No. 02/2021 registered u/s. 354/498-A/34 of the Indian Penal Code, pending trial before the learned Chief Judicial Magistrate, Tezu, Lohit District.

3. The petitioner No. 1 is the informant, who was the wife of the petitioner No. 2; petitioner No. 2 is the accused who was the husband of the petitioner No. 1/ the informant; and the petitioner No. 3 is another accused who is stated to be brother-in-law of the petitioner No.1/ the informant.

4. The learned counsel for the petitioners submits that the case of the petitioner is that on 04.03.2021 a written FIR was lodged by the petitioner No. 1/ the informant alleging that the petitioner No. 3 physically assaulted her, as a result of which, the petitioner No. 1/ the informant sustained injury. She also made allegation of cruelty against her by her husband i.e. the petitioner No.2. Based on the aforesaid written FIR, the above mentioned Tezu Women P.S. Case No. 02/2021 was registered against the petitioner Nos. 2 & 3. Upon completion of the investigation, the police submitted Charge Sheet No.02/2021 against the petitioner Nos. 2 & 3, for commission of the alleged offence. As of now, the trial is at Evidence stage.

5. It is submitted that during the pendency of the case, the petitioner No. 1/ the informant and the petitioner No. 2 have already been separated and now, they are living separately and subsequently the parties have also resolved their disputes amicably by executing a deed of amicable settlement dated 29.06.2026,

whereby, the informant/petitioner No. 1 has categorically stated that she lodged the First Information Report (FIR), against the petitioner Nos. 2 & 3, out of frustration at the relevant time. In the said deed of settlement, it has also been stated that the settlement has been arrived at between the parties upon payment of Rs. 20,000/- (Rupees Twenty Thousand Only) per month as a maintenance amount to the petitioner No. 1 by the accused petitioner No.2. In the said agreement, it has been further stated that the petitioner No. 1 has no more grievance against the petitioner No. 2 & 3 and that, she do not wish to pursue with the matter any further.

6. The learned counsel for the petitioners submits that under the circumstances, there is no scope of conviction in the present case even if the trial is allowed to be proceeded with, rather, it would be a futile exercise causing an unnecessary harassment to all the parties which would amount to an abuse of process of the Court. Thus, by way of filing the present criminal petition before this Court, the petitioners have jointly prayed for quashing and setting aside of the proceedings of G.R. No. 03/2021 arising out of Tezu Women P.S. Case No. 02/2021 registered u/s. 354/498-A/34 of the Indian Penal Code.

7. The learned Addl. Public Prosecutor, Arunachal Pradesh, fairly submits that in view of the amicable settlement arrived at between the parties as well as the fact that the informant/petitioner No. 1 has no further grievance against the accused petitioner Nos. 2 & 3 and do not wish to pursue with the matter any further; she has no objection if the prayer of the petitioners is allowed.

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

9. The present case arises out of a written First Information Report(FIR) dated 04.03.2021, lodged by the petitioner No. 1/ the informant, before the Tezu Women Police Station against the petitioner Nos. 2 & 3, alleging that she was

subjected to domestic violence by the petitioner Nos. 2 & 3 and they had physically as well as mentally tortured her and threatened to face dire consequence. However, during the pendency of the trial, the parties have amicably settled the matter and executed a deed of amicable agreement dated 29.06.2026. In the said deed of settlement, it has been categorically stated that the dispute has been amicably settled by the parties and the petitioner No. 1/ the informant do not wish to pursue the case against the petitioner Nos. 2 & 3 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 accused persons (petitioner Nos. 2 & 3) would be a futile exercise and would amount to an abuse of the process of law.

10. 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 not have serious impact on society, at large, on the ground that there is a settlement /compromise between the victim and the offender.

11. 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.

12. Accordingly, the proceedings in G.R. No. 03/2021 arising out of Tezu Women P.S. Case No. 02/2021 against the petitioner Nos. 2 & 3, namely, Shri Kadamso Maro and Shri Jitu Maru are hereby quashed.

13. 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.

CHECKED & VERIFIED

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by Talom Tali
Date: 2026.07.22
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JUDGE