GAHC040011062026

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

Case No. : Crl.Petn./193/2026

Laxman Prasad @ Chun Chun and Anr
Son of Late Chandravan Prasad, resident of Madhavpur Village, Purani Pukhuri, PO and SP Bordumsa, Tinsukia District, Assam 786188

2: Smti Laxmi Devi
Age: Occupation :
Wife of Late Chandravan Prasad
resident of Madhavpur Village
Purani Pukhuri
PO and PS Bordumsa
Tinsukia District
Assam 78618

VERSUS

The State of AP represented by the PP of AP

Advocate for the Petitioner : Moonmoon Nokbi,

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 23.07.2026

Heard Ms. Moonmoon Nokbi, learned counsel for the petitioners. Also heard Mr. Token Ete, learned Addl. Public Prosecutor, Arunachal Pradesh.

2. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita(BNSS), 2023, has been jointly filed by the accused/ petitioner No. 1, and the informant/petitioner No. 2, praying for quashing and setting aside of G.R. No. 70/2025, Charge-Sheet No. 01/2008 dated 29.01.2008, arising out of Bordumsa P.S. Case No. 01/2008 registered u/s. 380 of the Indian Penal Code, 1860, pending trial in the Court of the learned Judicial Magistrate, 1st Class, Changlang.

3. The case of the petitioners is that based on a written First Information Report(FIR) lodged by the informant/petitioner No. 2 viz. Smti. Laxmi Devi before the Officer-in-Charge, Bordumsa Police Station, on 07.01.2008, against her son i.e. the accused/petitioner 1, alleging, theft of CGI sheets and other materials and demanding money from her, thereby, causing trouble to the entire family; the aforesaid police case has been registered. Upon completion of the investigation, the police submitted Charge Sheet No. 01/2008 dated 29.01.2008 against the petitioner No. 1 for commission of the alleged offence. The learned Magistrate, Changlang, took cognizance of the case and now, the same is pending for consideration of charge in the Court of the learned Judicial Magistrate, 1st Class, Changlang.

4. The learned counsel for the petitioners submits that during the pendency of the case, both the parties being mother and son, have amicably resolved their dispute by executing a deed of settlement dated 05.06.2026, whereby, the informant/petitioner No. 2 has categorically stated that the aforesaid First Information Report(FIR) was lodged against the petitioner No. 1 due to some misunderstanding and with a view to reform her son/petitioner No. 1 leading to the filing of the charge-sheet against him. However, since the matter has been amicably settled between both the parties, she does not have any further grievance against the accused/petitioner No. 1 and as such, she does not wish to pursue the matter any further.

5. The learned counsel for the petitioners also submits that under the circumstances, there is no scope of conviction in the matter even if the trial of the case is allowed to be proceeded with, rather, it would be a futile exercise causing unnecessary harassment to all the parties which would amount to an abuse of process. 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. 70/2025, Charge-Sheet No. 01/2008 dated 29.01.2008, arising out of Bordumsa P.S. Case No. 01/2008 registered u/s. 380 of the Indian Penal Code, 1860, pending trial in the Court of the learned Judicial Magistrate, 1st Class, Changlang.

6. 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. 2 and the accused/petitioner No. 1 being mother and son and that the informant/ petitioner No. 2 has no further grievance against the accused/petitioner No. 1, and do not wish to pursue with the matter any further; he has no objection if the prayer of the petitioners is allowed.

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

8. The present case arises out of a written First Information Report (FIR) dated 07.01.2008, lodged by the petitioner No. 2 before the Bordumsa Police Station against her son/petitioner No. 1, alleging commission of the offence of theft and for troubling the family resulting in the registration of the aforesaid police case and filing of the charge-sheet against the petitioner No. 1. However, during the pendency of the trial, both the parties have amicably settled the matter and reduced the same into writing by way of executing a deed of

agreement dated 05.06.2026. In the said deed of settlement, it has been categorically stated that the informant/petitioner No. 2 has categorically stated that the said First Information Report(FIR) was lodged by her due to some misunderstanding with a view to correct and reform her son/petitioner No. 1 and she has no further grievance against the accused/petitioner No. 1, do not wish to pursue the case any further. In view of the above, the dispute, in question, 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 the case. In view of the above, continuation of the criminal proceedings against the accused/petitioner No. 1 would be a futile exercise and would amount to an abuse of the process of law.

9. 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.

10. 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.

11. Accordingly, the proceedings in G.R. No. 70/2025, Charge-Sheet No. 01/2008 dated 29.01.2008, arising out of Bordumsa P.S. Case No. 01/2008 registered u/s. 380 of the Indian Penal Code, 1860, pending trial in the Court of the learned Judicial Magistrate, 1st Class, Changlang, against the petitioner No. 1, namely, Shri Laxman Prasad @ Shri Chun Chun, is hereby quashed.

12. 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