GAHC040014002026

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

Case No. : Crl.Petn./258/2026

Lijum Bulo Son of Shri Tali Bulo, a resident of Ganga Market, Itanagar, PO and PS Itanagar, Papum Pare District, Arunachal Pradesh 791111

2: Smti Marbi Ete Bulo
Age: Occupation :
Wife of Shri Lijum Bulo a resident of Ganga Market
near Jully Tracker Stand PO and PS Itanagar Papum Pare District (ICR)
Arunachal Pradesh

VERSUS

The State of AP represented by the PP of AP

Advocate for the Petitioner : Tapi Omo, A Linggi
Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 26.08.2026

Heard Mr. Tapi Omo, learned counsel for the petitioners. Also heard Mr. Token Ete, learned Addl. Public Prosecutor, Arunachal Pradesh.

2. This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has been jointly filed by the accused husband/ petitioner No. 1, and the informant wife/petitioner No. 2, praying for quashing and setting aside of

the criminal proceedings in G.R. No. 105/2018 arising out of Itanagar Women P.S. Case No. 12/2018 registered under Sections 498A/323/506 of the Indian Penal Code, 1860, pending trial in the Court of learned Judicial Magistrate First Class, Yupia.

3. The brief facts of the case is that based on a written First Information Report(FIR) lodged by the petitioner No. 2/wife of the petitioner No. 1, before the Officer-in-Charge, Itanagar Women Police Station, on 05.02.2018, against her husband/petitioner No. 1, alleging, therein, that though she is in a marital relationship with the petitioner No. 1, since the year 2005, however, he is maintaining illicit relationship with other ladies due to which there has been a repeated dispute over the matter between them and that since many years, he has been physically and mentally torturing her; the aforementioned police case was registered. Upon completion of the investigation, the police submitted Charge Sheet No. 77/2018 dated 04.08.2018 against the petitioner No. 1, for commission of the alleged offence. The learned Magistrate, Yupia, took cognizance of the case and now, the same is pending trial in the Court of learned Judicial Magistrate First Class, Yupia, at the stage of appearance.

4. The learned counsel for the petitioners submits that immediately after the occurrence, the matter was amicably settled between the parties and that since the accused and the informant are husband and wife and the case pertain to the year 2018, they have already forgotten about the police compliant which arose due to some misunderstanding between them. However, recently, on receipt of the notice to face the trial in G.R. No. 105/2018, they realized that the case was still pending and accordingly, a formal deed of settlement agreement was executed on 05.08.2026, wherein, it is stated that the matter has amicably been settled between the parties and as the accused/petitioner No. 1 being the husband, the informant has categorically stated that she has no further grievance

against the accused/husband and she does not wish to pursue the matter any further, as now, they are happily living together.

5. The learned counsel for the petitioners further submits that since the matter has been amicably resolved between the parties, the informant/petitioner No. 2 has no further grievance against the accused/petitioner No. 1, there is no scope of conviction in the case and under the circumstances, the further proceeding of the case would be a futile exercise and it would only cause harassment to both the parties and therefore, the learned counsel for the petitioners prays for quashing and setting aside of Itanagar Women P.S. Case No. 12/2018 as well as the proceedings in G.R. No. 105/2018 in the Court of the learned Judicial Magistrate First Class, Yupia.

6. Ms. Hage, learned Addl. Public Prosecutor, fairly submits that as the matter has amicably been settled between the informant and the accused being wife and husband, and the allegations in the First Information Report(FIR) itself indicates that the dispute arose out of a matrimonial dispute between them, and also taking into account that a formal deed of settlement, dated 05.08.2026, has been executed between both the parties, wherein, the informant/wife has stated that she has no further grievance against the accused/husband and does not wish to pursue with the matter any further; she 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.

8. It appears that the dispute arose between the wife and the husband when

the accused husband alleged to have continued to maintain his illicit relationship with other ladies because of which, there has been a marital discord between the petitioners resulting in lodging of the aforesaid police case by the petitioner No. 2 against the petitioner No. 1. However, subsequently, the matter has amicably been settled between the parties by formally executing a mutual deed of settlement on 05.08.2026, wherein, the informant has clearly expressed that the aforesaid police case being Itanagar Women P.S. Case No. 12/2018, under Sections 498(A)/323/506 of the Indian Penal Code, 1860, has been lodged by her due to some misunderstanding between her and her husband/petitioner No. 1 and now, she has no further grievance against the accused/petitioner No. 1 an does not wish to pursue the matter any further. Under the circumstances, it appears that the dispute is purely personal in nature and has arisen out of a marital discord between the husband/petitioner No. 1 and the wife/petitioner No. 2. It also appears that the dispute 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 and thus, if the proceeding is allowed to be continued; it would only cause harassment to both the parties which would rather 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. Case No. 105/2018 arising out of Itanagar Women P.S. Case No. 12/2018, registered under Sections 498(A)/323/506 of the Indian Penal Code, in the Court of the learned Judicial Magistrate First Class, Yupia, against the petitioner No. 1 Shri Lijum Bulo, 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