GAHC010211522025

undefined

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

Case No. : Crl.Pet./1204/2025

IRFAN KHAN
S/O- AJIMUL HUDA KHAN
R/O- 94 (9) IQBAL CHOUDHURY BUILDING ABOVE LUNCH BREAK HOTEL PO AND PS- PANBAZAR DIST- KAMRUP (M) ASSAM PIN-781001

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP ASSAM

2:NAGMA KHAN
W/O- IRFAN KHAN.
D/O-ASFAQUE KHAN
R/O- BAGHBARI NEAR MOSQUE PO BAGHBARI DIST- TINSUKIA ASSAM PIN- 78618

Advocate for the Petitioner : MR. B J MUKHERJEE, MS R SAHA

Advocate for the Respondent : PP, ASSAM, MR. S BISWAS (R-2),MR. H BURAGOHAIN (R-2)

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 31.07.2026

Heard Ms. R. Saha, learned counsel for the petitioner; Ms. T. Devi, learned counsel for respondent No. 2; and Ms. S. H. Borah, learned Additional Public

Prosecutor for the State of Assam.

2. By this application filed under Section 528 of the BNSS, 2023, the petitioner has prayed for quashing of the Tinsukia Police Station case, being P.S. Case No. 414/2023, corresponding to PRC Case No. 1346/2023; and GR Case No. 931/2023; registered under Section 498A of the IPC read with Section 4 of the Dowry Prohibition Act, 1961.

3. The learned counsel for the petitioner, submits that a settlement has been reached between the petitioner and the Respondent No.2, that the parties would withdraw all cases instituted due to matrimonial issues before the Courts.

4. The learned counsel for Respondent No. 2, submits that Respondent No. 2 has filed an affidavit on 4th of June 2026. In the said affidavit, it was stated that although due to matrimonial disputes, she had lodged an FIR against her husband but a settlement has been reached, subsequently with the intervention of the family members, elder and well wishers between the petitioner and herself. She further stated that, in view of her settlement she had agreed to withdraw all cases filed against the petitioner by her.

5. The learned counsels appearing for both the petitioner and Respondent No. 2, has stated that apart from the instant FIR, all other cases instituted against the husband by the wife, has been withdrawn from the respective courts of law.

6. I have heard the counsels and have gone through the records. It is a settle position of Law that cases involving matrimonial disputes or civil disputes or of the like nature, the same can be withdrawn or settled amongst the parties and the High Court in exercising its power under its inherent jurisdiction can quashed cases instituted amongst the said parties.

7. The Hon'ble Apex Court, had held the aforesaid position in so many cases and in one of the cases namely "***Parbatbhai Aahir @ Parbatbhai vs. State of Gujarat***", reported in ***(2017) 9 SCC 641***; had specifically held that Section 482 of the Cr.P.C preserves the inherent powers of the High Court to prevent abuse of the process of any court or to secure the ends of justice. It was further held that invocation of jurisdiction of the High Court to quash of First Information Report or a criminal proceeding on the ground that the settlement has been reached between the offender and the victim is although not the same as that of invocation of jurisdiction for compounding of offences, the same can be quashed in exercise of the said inherent power. The only requirement that has to be seen by High Court is to evaluate, whether the ends of justice would justify the said exercise.

8. It is also stated that , a decision as to whether, a First Information Report or a complaint can be quashed on the grounds of said settlement, the same revolves around the facts and circumstances of each case and if it is found that continuation of the said case will not serve any purpose and it will result in no fruitful purpose and the trial will also not reach to its logical end, the same can be quashed.

9. It is also stated that the cases of matrimonial issues if settled, the FIR related to the same should be quashed.

10. In view of the said directions of the Supreme Court, the facts and circumstances of the instant case be seen. It is noticed that although, various allegations were made against the petitioner in the instant case but with the intervention of the family members, the parties have reached the settlement and they have decided to withdraw cases against each other. As such, this Court deems it fit that the case registered in Tinsukia Police Station as P.S. Case No.

414/2023, registered under Section 498A of IPC read with Section 4 of Dowry Prohibition Act, 1961, be quashed. Resultantly, the Charge Sheet submitted in the instant case, by Charge Sheet No. 403. Dated 29.09.2023 also stands quashed. Furthermore, any orders passed in the subsequent proceeding connected with the said case also a set aside.

11. The Criminal Petition is as such, disposed.

JUDGE

Comparing Assistant