

GAHC020003382025

2025:GAU-NL:341



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

Case No. : Crl. Pet./17/2025

ALLY SHIMRAY AND 2 ORS
SON OF KHATHING SHIMRAY, PRESENTLY RESIDING AT SUNLIGHT
COLONY, SOUTH-EAST DELHI, NEW DELHI-110014

2: TIATEMSU LONGCHAR
PRESIDENT
DIMAPUR AO YOUTH ORGANISATION (DAYO) DIMAPUR
NAGALAND - 797112

3: LIMATEMSU JAMIR
INFORMATION SECRETARY
DIMAPUR AO YOUTH ORGANISATION (DAYO) DIMAPUR
NAGALAN

VERSUS

STATE OF NAGALAND
REPRESENTED BY THE OFFICER IN CHARGE, CYBER CRIME
POLICE STATION, PHQ, KOHIMA NAGALAND-797001

Advocate for the Petitioner : L. IRALU, MENOSIENO,A. SOPHIE

Advocate for the Respondent : P.P, NAGALAND,

BEFORE
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

28.07.2025

Heard learned counsel for the petitioner, Mr. L. Iralu as well as Mr. E. Thiba Phom, learned Public Prosecutor for the State respondents.

2. The present petition under Section 528 of the BNSS, 2023 has been filed jointly by the accused as well as the complainants for quashing of the criminal proceedings in GR Case No. 157/2024 pending before the learned JMFC, Kohima and the connected FIR arising out of Cyber Crime Police Station Case No. 011/2024 under Section 352/353(2) BNS on the basis of a compromise/settlement arrived at between the accused and the complainants.

3. The petitioner nos. 2 and 3 (P-2 and P-3) had lodged a complaint before the Officer-in-Charge Cyber Crime PS Kohima alleging that a malicious post was uploaded on Facebook page under the account name 'The Patriotic Naga'. It was alleged that the post had defamed, vilified and denigrated their leader, Dr. S.C. Jamir. It was further alleged that it has outraged and maligned the modesty of the Ao women in general and that there was potential to threaten the peaceful inter-tribal co-existence. Pursuant to the complaint a complaint case No. 011/2024 under Section 352/353(2) BNS was registered on 07.11.2024.

4. During the course of investigation the P-1/accused was arrested on 30.11.2024. Thereafter, the alleged accused was released on bail by the

learned JMFC Kohima on 14.01.2025.

5. Thereafter, the P-1 along with his community leaders approached the apex tribal body of the Ao community, the Ao Senden on 14.03.2025 and sought for forgiveness for the conduct of the P-1/accused and to amicably settle the matter in the general interest of the two communities.

6. Upon detailed deliberation the Ao Senden decided to pardon the accused/P-1 subject to executing an undertaking and publishing the same in the local papers. Consequently, an undertaking was executed on 14.03.2025 by the accused/P-1. Thereafter, a compromise deed to this effect was drawn up and executed on 30.05.2025 between the P-1/accused and the complainants/P-2 and P-3 and the compromise deed has been annexed with the petition as Annexure-7. Learned counsel for the petitioner submits that in view of the compromise arrived at between the parties, the present petition has been filed jointly by the accused/P-1 and the complainants/P-2 and P-3 praying for quashing and setting aside of the criminal proceedings in GR 157/2024 under Section 352/353(2) BNS pending before the Court of the learned JMFC, Kohima and also the connected FIR in Cyber Crime PS Kohima Case No. 11/24.

7. Learned Public Prosecutor, Mr. E. Thiba Phom has produced the Case Diary and it is seen that the case has already been Charge-sheeted and is pending before the learned JMFC, Kohima for trial. However, this Court is of the view that it would be a futile exercise to continue with the trial as the complainants and the accused person have already entered into a compromise and have settled the matter amicably outside the court.

8. In view of the above discussion the proceedings of GR Case No. 157/2024 pending before the learned JMFC, Kohima and the connected FIR in Cyber Crime PS Case No. 11/2024 is hereby quashed and set aside.

9. Petition is accordingly disposed of.

JUDGE

Comparing Assistant