

GAHC020004562025



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

Case No. : Crl. Pet./24/2025

SHRI WAPANG L. IMSONG
S/O SHRI LIMAWATI, R/O MERIMA VILLAGE, KOHIMA NAGALAND

VERSUS

STATE OF NAGALAND AND 3 ORS
NAGALAND KOHIMA

2:MR. N. BANGYOH NAAM
S/O SHRI NGOMPHA NAAM
PRESIDENT
KONYAK STUDENTS UNION KOHIMA
R/O MIDDLE PWD COLONY
H.NO. 110M
KOHIMA NAGALAND

3:MR. PANGOM W. KHEMAN
S/O SHRI WANGTEM KONYAK
GENERAL SECRETARY
KONYAK STUDENTS UNION KOHIMA
R/O POTTERLANE COLONY
KOHIMA NAGALAND

4:SHRI MANBEN
FATHER OF THE CHILD/VICTIM
R/O WANGTI VILLAGE
MON NAGALAN

Advocate for the Petitioner : ALEMWAPANG AO, Y S PHOM

Advocate for the Respondent : P.P, NAGALAND,

**BEFORE
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER**

ORDER

Date : 18-09-2025

This petition under Section 528 of the BNSS has been filed praying for quashing of the FIR dated 14.05.2025 and all consequential proceedings in G.R.46/2025 in connection with Kohima Women P.S Case No.005/2025 under Section 115(2) BNS r/w Section 75 of the Juvenile Justice Act.

2. Heard the learned counsel for the petitioner Mr. Alemwapang Ao. Also heard Mr. Thiba Phom, learned P.P. for the State respondent and Mr. M. Solo, learned counsel for the respondent/complainants Nos. 2 to 4.

3. The case of the petitioner is that an FIR dated 14.05.2025 was filed before the Officer-in-Charge Kohima Woman Police Station by the President and General Secretary of the Konyak Students' Union stating that the petitioner had abused the minor child who was residing with the petitioner/accused. Basing on the complaint a case was registered being Kohima Woman P.S Case No.0005/2025 under Section 115(2) BNS r/w Section 75 of the Juvenile Justice Act.

4. The learned counsel for the petitioner submits that during the period of investigation, the family of the victim and the family of the petitioner/accused being close and well known to each other for the last 30 years, decided to arrive at an amicable settlement in the matter. Accordingly on 24.07.2025 a meeting was held at Kohima between the Konyak Union Kohima and the Ao Union Kohima and after a prolonged discussion a

compromise deed was executed between the petitioner and the respondent No.2,3 and 4/complainants and brother of the victim. The compromise deed dated 24.07.2025 is annexed in the writ petition and it shows that the petitioner/accused and the respondents herein have agreed to settle the matter amicably and it is stated that in view of the friendship and brotherhood between the two communities and also the good relationship between the families of the victim and the accused, the second party in good faith humbly apologizes and seeks for forgiveness to the victim, parents and relatives and union members and the first party being the complainants and family members of the victim after considering the plea of the accused, in the presence of the parents, relatives and union members had forgiven the accused person and it was also agreed that they would no longer pursue the matter against each other and honour the agreement.

5. It is also stated in the petition that the complainants/respondent Nos. 2 and 3 have withdrawn the FIR by letter dated 25.07.2025 which is addressed to the Officer-in-Charge Woman Police Station Kohima. In the letter dated 25.07.2025 they have prayed that the FIR dated 14.05.2025 may be withdrawn and the matter be closed in the interest of all the parties. In the letter it was also indicated that the parties have entered into compromise and that they shall not pursue the matter.

6. The respondent Nos. 2,3 and 4 have also filed their affidavit wherein it has been stated that the matter has already been settled between the parties through compromise deed dated 24.07.2025 by the respondent Nos. 2,3 and 4 along with

the family members and elders. Therefore, it is stated in the affidavit that the respondents have no objection if the present criminal petition is closed.

7. The learned P.P. Mr. Thiba Phom has submitted that section 115(2)BNS is compoundable, however section 75 of the Juvenile Justice Act is non compoundable and therefore, he submits that the present petition may be dismissed as compromise cannot be entered into in a non compoundable offence. However, he fairly submits that since the settlement has been arrived at, he leaves the matter to the wisdom of the Court.

8. The Court has considered the submissions of the opposing counsel and has perused the pleadings and is of the view that as the matter has been amicably settled between the accused/complainants as well as the family members of the victim and there is no likelihood of the proceeding ending in a conviction and therefore, this Court is of the opinion that it would be futile to proceed with the trial of G.R. 46/2025 pending before the Court of the learned CJM, Kohima.

9. Accordingly, this criminal petition is allowed and the proceedings of the G.R. 46/2025 pending before the Court of CJM, Kohima against the present petitioner is hereby quashed and set aside.

10. The petition is disposed of.

11. Registry is directed to return the Trial Court Record.

**Sd/-
JUDGE**

Comparing Assistant