# THE HIGH COURT OF SIKKIM : GANGTOK

(Criminal Jurisdiction)

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**SINGLE BENCH : THE HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE**

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# Crl. M.C. No.17 of 2026

**1. Shri Sanjay Kandoi,**
S/o of Late Shri Om Prakash Kandoi,
R/o Chatribari, Guwahati,
Assam – 781001.

**2. Shri Manoj Agarwalla,**
S/o Shri Mahabir Prasad Agarwalla,
R/o Raiganj, Uttar Dinajpur,
West Bengal – 733134. ... **Petitioners**

***versus***

**1. The State of Sikkim,**
Through the Secretary,
Home Department,
Government of Sikkim,
Gangtok, Sikkim.

**2. Bharatiya Gorkha Parisangh (Sikkim State Branch),**
Through its President,
Shri Chunni Lall Ghimirey,
Having its office at Bodhigrih,
Namnang, Gangtok, Sikkim ... **Respondents**

**Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023**

*{Quashing of FIR No.09/2026, dated 15.02.2026, registered at Ranipool Police Station, East Sikkim under Section 196(1)(a) and 352 of the Bharatiya Nyaya Sanhita, 2023, and all proceedings emanating therefrom including the Charge-Sheet No.08 of 2026, dated 15.04.2026 and G.R. Case No.59 of 2026 pending before the Court of the Learned Chief Judicial Magistrate, Gangtok}.*

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**Appearance:**

Mr. Dechen Wangdi Lachungpa, Advocate and Ms. Asmita Poudyal, Advocate for the Petitioners.

Petitioners No.1 and 2 are present *through VC*.

Mr. S. K. Chettri, Additional Public Prosecutor for the Respondent No.1.

Respondent No.2 present in person.

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Date of hearing : 27-10-2026
Date of Judgment : 27-10-2026
Date of uploading : 28-10-2026

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# JUDGMENT (ORAL)

***Bhaskar Raj Pradhan, J.***

***1.*** Mr. Sanjay Kandoi and Mr. Manoj Agarwalla has invoked the provision of Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter, the "BNSS"), for quashing of FIR No.09/2026, dated 15-02-2026 (the FIR), registered at Ranipool Police Station, East Sikkim, under Sections 196(1)(a) and 352 of the Bharatiya Nyaya Sanhita, 2023 (hereinafter, the "BNS") and all proceedings emanating therefrom including the Charge-Sheet No.08 of 2026, dated 15-04-2026 and G.R. Case No.59 of 2026 pending before the Court of the learned Chief Judicial Magistrate, Gangtok.

***2.*** In the said petition various grounds were taken by the petitioners including him being assaulted and failure of the registration of their First Information Report (FIR). It was also contended that the FIR does not disclose the essential ingredients of the offences and it was a counterblast.

***3.*** Pursuant to the notice issued the respondent no.1 is represented by Mr. S. K. Chettri, learned Additional Public Prosecutor and respondent no.2 which is Bharatiya Gorkha Parisangh (Sikkim State Branch) is represented by Mr. Chunni Lall Ghimirey who is its President.

***4.*** During the course of hearing on 14-10-2026, Mr. Chunni Lall Ghimirey representing respondent no.2 submitted that the respondent no.2 did not desire to pursue the FIR and the criminal proceedings pending before the learned Chief Judicial Magistrate, Gangtok, any further. Opportunity however was granted to the parties to place a compromise deed on record.

***5.*** I.A. No.02 of 2026 is an application filed by the petitioners placing on record the compromise deed dated 15-10-2026 between the parties including the authorization letter in favour of Mr. Chunni Lall Ghimirey given by respondent no.2, dated 14-10-2026. The joint compromise deed dated 15-10-2026 is signed by the parties in the presence of the witnesses named therein and the terms of compromise are set out hereinbelow;

> **"**……..
> **TERMS OF COMPROMISE**
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> 1. The parties state that, in relation to **FIR No. 09 of 2026** dated 15-Feb-2026, registered at Ranipool Police Station, Sikkim, **Charge-sheet No. 08 of 2026** dt. 15-Apr-2026, and the consequential proceedings in **G.R. Case No. 59 of 2026** before the learned CJM, Gangtok, the matter has been amicably settled between them.
> 2. The First Party states that it does not wish to pursue the aforesaid matter further against the Second Party and has no objection to the quashing of the aforesaid FIR, charge-sheet and all consequential proceedings, in accordance with law.
> 3. The parties have voluntarily entered into this compromise of their own free will, without any force, coercion, undue influence or pressure from any quarter.
> 4. The parties jointly agree that this Compromise Deed may be placed on record before the Hon'ble High Court of Sikkim at Gangtok, including in **Criminal Miscellaneous Case No. 17 of 2026**(*filed by the accused persons seeking quashing of the FIR and consequential proceedings including the Charge-sheet and the GR Case No. 59 of 2026 in the Court of the Ld Chief Judicial Magistrate*), for consideration and appropriate orders in accordance with law.
> 5. The parties undertake to abide by the terms of this compromise and to extend their cooperation for the lawful disposal of the aforesaid proceedings.
>
> ……..**"**

***6.*** The offence under Section 196(1)(a) of the BNS is a cognizable offence which is non-bailable and non-compoundable however Section 382 of the BNS is a compoundable offence.

***7.*** Keeping in view the nature of the offences and the manner in which the offences is said to have taken place and on examination of the joint compromise deed as well as interaction with the parties in

person, I am of the considered view that justice would be best served if the criminal proceedings emanating from the FIR could be quashed and is accordingly so ordered.

***8.*** Crl. M. C. stands disposed of.

***9.*** Pending applications, if any, also stand disposed of.

**(Bhaskar Raj Pradhan)**
**Judge**

Approved for Reporting : Yes

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