GAHC040015442026 2026:GAU-AP:1194

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

Case No. : Crl.Rev.P./15/2026

Atung @ Vijay Dada
Son of Late Lalu Dada, resident of Jeju Dada Village, PO and PS Seppa, East Kameng District, Arunachal Pradesh and represented by Shri Ajay Dada, Son of Late Lalu Dada, resident of LC Line Colony, Seppa, PO and PS Seppa, East Kameng District, Arunachal Pradesh.

VERSUS

The State of AP and Anr
represented by the PP of AP

2:Tama Tara
Age: 0
Occupation :
Son of Late Kafi Tara
resident of Type-I Colony
Seppa
PO and PS Seppa
East Kameng District
Arunachal Pradesh

Advocate for the petitioners : Mr. Adam Tatak

Advocate for the respondent : Mr. Token Ete, Addl. PP(AP)

Mr. Takom Pabin, R-2

BEFORE

HON'BLE MR. JUSTICE SANJEEV KUMAR SHARMA

Date on which judgment is reserved : 23.11.2026

Date of pronouncement of judgment : 26.11.2026

Whether the pronouncement is of the operative part of the judgment ? : N/A

Whether the full judgment has been pronounced? : Yes

JUDGMENT & ORDER (CAV)

(Sanjeev Kumar Sharma, J)

Heard Mr. Adam Tatak, learned counsel for the petitioners. Also heard Mr. Token Ete, learned Addl. Public Prosecutor for the State of Arunachal Pradesh, as well as Mr. Takom Pabin, learned counsel appearing for respondent No. 2.

2. The present Criminal Revision Petition has been preferred under Sections 438 read with 440 of the Bharatiya Nagarik Suraksha Sanhita, 2023, before this Court, challenging the legality, correctness and propriety of the judgment of conviction and order of sentence dated 12.12.2023, passed by the learned Chief Judicial Magistrate, Seppa, East Kameng District, Arunachal Pradesh, in GR Case No. 45/2021, arising out of Seppa P.S. Case No. 33/2021, registered under Sections 406/468/472/201 IPC, whereby the convict, Shri Atung @ Vijay Dada,

was held guilty under Sections 406/468/472 IPC and sentenced to undergo simple imprisonment for a term of 2 (two) years and to pay a fine of Rs. 10,000/- (Rupees ten thousand only), in default of payment of fine, to undergo further simple imprisonment for 6 (six) months. The revision petition also challenges the judgment and order dated 19.11.2025, passed by the learned Sessions Court, Seppa, East Kameng District, Arunachal Pradesh, in Crl. Appeal (SPA) No. 01/2025, whereby the judgment of conviction and order of sentence dated 12.12.2023 were affirmed.

3. The revisionist is the brother of the convict, namely, Shri Atung @ Vijay Dada, who is presently confined in jail. The revisionist has been duly authorised by the convict to file the instant revision petition before this Court. The convict is presently undergoing his sentence at the U.T.P. Cell, Seppa, East Kameng District, Arunachal Pradesh.

4. The brief prosecution story of the case is that the victim/respondent No. 2 lodged an FIR on 19.07.2021, stating, inter alia, that on 23.06.2021, one Shri Vijay @ Atung Dada had fraudulently taken a sum of Rs. 1,06,700/- from him, stating that he would deposit the said amount in the bank account of the gas agency. However, he did not deposit the money; instead, he furnished a forged bank deposit slip bearing the seal and signature of SBI, Seppa, to show that the

amount had been deposited. Subsequently, he fled away from Seppa and went into hiding. Accordingly, a case was registered at Seppa Police Station vide Seppa P.S. Case No. 33/2021 dated 19.07.2021, under Sections 406/468/472/201 IPC.

5. After investigation, the charge-sheet was submitted, and charges were framed against the accused under Sections 406/468/472/201 IPC. Upon conclusion of the trial, the accused was convicted and sentenced as stated hereinabove. The learned Appellate Court, on appeal, affirmed the judgment of conviction and order of sentence. Hence, the present revision petition.

6. Several grounds of challenge have been raised in the instant revision petition. However, during the pendency of the instant petition, an Interlocutory Application, being I.A. (Crl.) No. 109(AP)/2026, was filed jointly by the convict and the victim as Applicant Nos. 1 and 2, respectively. Applicant No. 1, i.e. the convict, is represented in the said application by the revisionist, who has been duly authorised by him.

7. It is stated therein that during the pendency of the proceedings and after the conviction, the parties, i.e. Applicant Nos. 1 and 2, with the intervention of well-wishers, elders and mutual acquaintances, have amicably resolved all their disputes and differences arising out of the subject matter of the criminal case.

Pursuant to the said amicable settlement, the parties executed a Deed of Settlement dated 23.06.2026, whereby they have voluntarily and amicably settled their disputes and agreed to bring an end to all pending disputes and proceedings arising out of the subject matter of the aforesaid criminal case.

8. It is further stated that the said Deed of Settlement dated 23.06.2026 has been executed voluntarily, out of the free will and consent of the parties, without any force, coercion, undue influence or threat from any quarter. Under the terms of the aforesaid Deed of Settlement, the parties have agreed to resolve their disputes finally and have undertaken not to pursue any further claim or grievance against each other in relation to the subject matter of the present criminal proceedings.

9. It is submitted that the complainant/victim has no surviving grievance against the convict and, therefore, has agreed to the settlement and to the consequential quashing of the criminal proceedings. It is further submitted that, since the settlement has been arrived at after the conviction of the accused, the applicant is not seeking compounding of the offence, but rather seeks the exercise of the inherent jurisdiction of this Court to quash/set aside the proceedings.

10. Learned counsel for the petitioner has referred to the judgment of the

Hon'ble Apex Court in ***Ramawatar v. State of Madhya Pradesh, (2022) 13 SCC 635***, wherein it has been held as follows:

> *"12. In view of the settled proposition of law, we affirm the decision of this Court in Ramgopal (Supra) and reiterate that the powers of this Court under Article 142 can be invoked to quash a criminal proceeding on the basis of a voluntary compromise between the complainant/victim and the accused.*
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> *13. We, however, put a further caveat that the powers under Article 142 or under Section 482 Cr.P.C., are exercisable in post-conviction matters only where an appeal is pending before one or the other Judicial forum. This is on the premise that an order of conviction does not attain finality till the accused has exhausted his/her legal remedies and the finality is subjudice before an appellate court. The pendency of legal proceedings, be that may before the final Court, is sinequanon to involve the superior court's plenary powers to do complete justice. Conversely, where a settlement has ensued post the attainment of all legal remedies, the annulment of proceedings on the basis of a compromise would be impermissible. Such an embargo is Page | 8 necessitated to prevent the accused from gaining an indefinite leverage, for such a settlement/compromise will always be loaded with lurking suspicion about its bona fide. We have already clarified that the purpose of these extraordinary powers is not to incentivise any hollowhearted agreements between the accused and the victim but to do complete justice by effecting genuine settlement(s)."*

11. Learned Additional Public Prosecutor has submitted that the power under

Section 482 Cr.P.C./Section 528 BNSS, in post-conviction cases, may only be exercised to set aside the remaining part of the sentence that the convict is yet to complete, and not to set aside the conviction as a whole, inasmuch as the same cannot be done without going into the merits of the case and only on the basis of a settlement. However, the learned Additional Public Prosecutor fairly submits that in view of the provisions of [Section 401 Cr.P.C./Section 442 BNSS], the revisional Court may also exercise the powers of an appellate Court, and therefore, in view of the decision in ***Ramawatar*** (supra), the power under Section 482 Cr.P.C./Section 528 BNSS can be exercised by this Court in a revision also.

12. In support of his aforesaid submissions, the learned Additional Public Prosecutor has referred to a decision of this Court rendered in ***Dipak Choudhury & Anr. v. State of Tripura, 2009 (3) GLT 129,*** wherein a similar order was passed exempting the convict from serving out the remainder of his sentence on account of a compromise reached between the parties in a case involving Section 498A IPC.

13. As submitted by the learned Additional Public Prosecutor, in view of Section 401 Cr.P.C./Section 442 of the BNSS, 2023, the High Court, while exercising its revisional jurisdiction, may, in its discretion, exercise any of the

powers conferred upon a Court of Appeal by Sections 386, 389, 390 and 391 Cr.P.C., or upon a Court of Session by Section 307 Cr.P.C. Since the present revision petition has been preferred challenging both the judgment of conviction and order of sentence passed by the learned Trial Court as well as the judgment and order passed by the learned Appellate Court, the proceedings cannot be said to have attained finality, inasmuch as this Court, while deciding the revision petition on merits, is empowered to reverse or modify the judgments under challenge. Therefore, it would be within the competence of this Court to consider the prayer for setting aside the judgments of conviction and sentence on the basis of a voluntary compromise arrived at between the complainant/victim and the accused, in the light of the decision of the Hon'ble Apex Court in *Ramawatar* (supra).

14. It may also be noted that in *Ramawatar* (supra) itself, it was also observed as follows:

> *11. The Court in Ramgopal (Supra) further postulated that criminal proceedings involving nonheinous offences or offences which are predominantly of a private nature, could be set aside at any stage of the proceedings, including at the appellate level. The Court, however, being conscious of the fact that unscrupulous offenders may attempt to escape their criminal liabilities by securing a compromise through brute force, threats, bribes, or other such unethical and illegal*

means, cautioned that in cases where a settlement is struck post-conviction, the Courts should, interalia, carefully examine the fashion in which the compromise has been arrived at, as well as, the conduct of the accused before and after the incident in question. While concluding, the Court also formulated certain guidelines and held:

> *"19… Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations." [Emphasis Applied]*

15. It was also held in the said decision that where it appears to the Court that the offence in question is primarily private or civil in nature, or where the continuation of the legal proceedings would amount to an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On similar lines, while considering a prayer for quashing the proceedings on the basis of a compromise or settlement, the Court must also be satisfied that such an exercise of power would not contravene or undermine the underlying objective of the Act. It was further held in paragraph 17 of ***Ramawatar*** (supra) that even in respect of an offence punishable under a special Act, the High Court is

not deprived of its power to quash the criminal proceedings even after conviction.

16. Reverting to the facts of the present case, the allegation against the convict was that he had defrauded the complainant by depositing the cheque amount into his own account instead of depositing it into the account of the informant. Although the accused has been tried and convicted, and his conviction has also been affirmed by the learned Appellate Court, it appears that the informant is now willing to forgive the convict, and the settlement arrived at between the parties appears to have been entered into voluntarily. Further, the dispute also appears to be confined to the parties involved and is essentially private in nature, without any wider implications for society.

17. The decisions in ***Dipak Choudhury*** (supra) and ***Venkatesh*** (supra) were rendered in the facts and circumstances of those respective cases and do not lay down any proposition of law to the effect that the relief of quashing must be confined only to the unexpired portion of the sentence and that the conviction itself cannot be set aside. It is pertinent to notice that in ***Ramawatar*** (supra) itself, the Hon'ble Apex Court had set aside the entire judgment of conviction and order of sentence passed by both the Courts below, thereby setting aside the conviction as well.

18. However, having regard to the facts and circumstances of the present case, this Court is of the considered view that the ends of justice would be met by converting the sentence passed upon the convict (Applicant No. 1 in the I.A.) to the period already undergone.

19. Accordingly, it is directed that the sentence of simple imprisonment for 2 (two) years awarded under Sections 406/468/472 IPC, which was directed to run concurrently, is hereby reduced to the period already undergone. The convict shall be set at liberty forthwith, if his detention is not required in connection with any other case.

20. The revision petition, as well as the I.A., stands allowed and disposed of accordingly.

JUDGE

Comparing Assistant