GAHC040016852026

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

Case No. : Crl.Petn./325/2026

Kipa Tame and Anr
Son of Late Shri Kipa Mingma, residing at Nyokum Colony, 5/1, PO and PS Banderdewa, Papum Pare District, Arunachal Pradesh 791123 2: Chacha Rebe
Age:
Occupation :
Son of Shri Kofa Rebe
residing at Duda Village
PO and PS Banderdewa
Papum Pare District
Arunachal Pradesh 79112

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Tania Kipa, Kuna Umpo,Kipa Takar,Kipa Yamak,Kago Tana

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

Date : 16.11.2026

Heard Mr. Tania Kipa, learned counsel for the petitioners. Also heard Mr. D. Loyi, learned Public Prosecutor for the State.

2. This is an application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), filed jointly by the informant and the accused as petitioners No. 2 and 1 respectively, seeking quashing of the FIR in Banderdewa P.S. Case No. 56/2026 under Section 118(1) of the Bharatiya Nyaya Sanhita (BNS) and consequential proceedings, based on a Mutual Settlement Deed dated 02.10.2026.

3. The brief fact of the case is that, on 1st October 2026, around 3:30 AM, Shri Chacha Rebe (Petitioner no.2/Victim) was having roasting programme with his brothers nearby Karsingsa Via-duct bridge. But, during the programme, under the influence of the alcohol, some unknown persons had suddenly started fighting with his brothers namely Shri Dolo Rebe and Shri Ropo Rebe. Meanwhile, he went to his vehicle to get his Dao, to threaten the assaulters to protect his brothers. But, third person petitioner no.1 (Shri Kipa Tame) has tried to stop the fight, and advised the petitioner no.2 to leave the spot, but petitioner no.1 had suddenly snatch the Dao from the hand of the petitioner no.2 and push him to leave. But, during the altercation, petitioner no.2 got injured, subsequently, petitioner no.2 went to Banderdewa Police Station for the safety of his brothers. But, later on, the brothers of the petitioner no.2 had lodge an FIR against one person Kipa, without knowing the name of petitioner no.1 (Shri Kipa Tame), since petitioner no.1 was stopping the fight and he was present on the spot. Therefore, based on the written FIR lodge in the name of Shri Chacha Rebe through his brothers against Shri Kipa, was later on registered by the Banderdewa Police Station vide BDW PS case no. 56/2026 under section 118 (1) BNS 2023.

4. Subsequently, the family members of the parties gathered to resolve the misunderstanding and ultimately, came to a settlement, which is reflected in a Mutual Settlement Deed dated 02.10.2026.

5. Subsequent to that, the complainant had sought to withdraw the FIR, but since the case was already registered under a non-compoundable section, the same could not be withdrawn. Hence, this petition.

6. Learned counsel for the petitioner submits that the case has arisen out of a misunderstanding and that the petitioner No.2/complainant/victim is not interested in pursuing the matter any further.

7. In this regard, learned counsel for the petitioner has referred to the decision of the Apex Court in ***State of Madhya Pradesh vs. Laxmi Narayan & Ors.***, reported in ***(2019) 5 SCC 688***, wherein it has been held that criminal proceedings in respect of non-compoundable offences can be quashed, if it is of a private nature and not a serious threat to a society, and the parties have resolved the dispute among themselves.

8. Learned counsel has also referred to ***Gian Singh vs. State of Punjab & Anr.***, reported in ***(2010) 15 SCC 118*** wherein the Apex Court has held that the inherent power of the High Court is to be exercised to prevent the abuse of the process of the Court.

9. Learned Additional Public Prosecutor fairly submits that the injury report only indicates simple injuries, and based on the medical evidence, the provisions of Section 118(1) BNS may not be attracted.

10. Having regard to the above and the law laid down by the Hon'ble

Apex Court in this regard, since the parties have resolved the dispute between themselves which itself is not of a serious nature, further continuance of the criminal proceedings would amount to an abuse of the process of the Court. Therefore, for the ends of justice, the same is required to be quashed.

11. Accordingly, the FIR in Banderdewa P.S. Case No. 56/2026 under Section 118(1) BNS and all consequential proceedings stand quashed.

12. The petition stands allowed and disposed of.

JUDGE

Tage Bunyi (SPA)

Comparing Assistant