GAHC040017192026 2026:GAU-AP:1138

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

Case No. : Crl.Petn./330/2026

Sanju Tatan and Anr
Son of Shri Tagin Tatan, permanent resident of Village Mirem, PO and PS Bilat, East Siang District, Arunachal Pradesh.

2: Stmi Yabom Riyang
Age:
Occupation :
Daughter of Shri Kamar Riyang permanent resident of Village Kaying
PO and PS Kaying
Siang District
Arunachal Pradesh

VERSUS

The State of AP
represented through the PP of AP

Advocate for the Petitioner : Rintu Saikia, Sr. Adv, K Bam,Mindo Taso,Muchi Mele,Idak Bam,Ligam Nochi

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMER

JUDGMENT

Date : 11-11-2026

Heard the learned counsel for the petitioner Mr. Idak Bam. Also heard

the learned Addl.P.P Ms. L. Hage for the State respondents.

2. This application under Section 528 of the BNSS, 2023 has been preferred jointly by the petitioner No. 1 who is the accused and the petitioner No. 2 who is the complainant in the present case. Seperate affidavits have also been sworn by petitioner No. 1 as well as petitioner No. 2. The petitioners, by filing the instant petition under Section 528 of the BNSS, have prayed for the quashing of the FIR dated 06.11.2010, Charge Sheet No. 64/2012, G.R. Case No. 402/2010 under Sections 365/376 of the IPC, pending before the learned Chief Judicial Magistrate, Yupia, Papum Pare District.

3. The fact of the case leading to the filing of the instant petition is that the petitioners were in a romantic relationship with each other and had stayed together in a live-in relationship at Itanagar. However, their relationship was objected to by the family members of both parties and differences cropped up in their relationship. Accordingly, a local family meeting Kebang was held on 28.10.2010 in order to settle the dispute between the petitioners. In the said Kebang , a decision was passed that the petitioners should not meet after that date and in case the petitioner No.1 meets the petitioner No.2 then he will have to inform and apprise his parents, maternal uncle, and aunts. Moreover, it was also decided that whoever initiates the relationship will be liable to pay a sum of Rs. 50,000 and also the petitioner No. 1 should not to try to meet or contact petitioner No. 2, and if the petitioner No.1 forcefully try to meet the petitioner No.2 then such matter should be directly informed to the police.

4. After the Kebang decision, the petitioners did not meet and agreed not to meet each other. However, on 06.11.2010, petitioner No. 2 called

petitioner No. 1 over the phone and asked him to meet her at the Ganga Market in Itanagar. They met at Ganga market and went to the Chimpu. After coming back, the petitioner No. 2 lodged the impugned FIR dated 06.11.2010 which was registered as Itanagar P.S. Case No. 218/2010 under Sections 341/365/376 of the IPC.

5. It is the submission of the learned counsel for the petitioners that during the pendency of the criminal proceedings, the parties amicably resolved their differences and entered into a settlement vide Settlement dated 09.07.2026. In terms of the said settlement, the parties have stated that due to misunderstanding, emotional distress, temperament, and anger, petitioner No. 2 had lodged the First Information Report(FIR) dated 06.11.2010 against the petitioner No.1. It was further reflected in the settlement deed that the parties have now resolved their differences amicably outside the Court and the petitioners are now separately married and happily settled down and living separate personal lives with their respective families. It was further reflected that the parties out of free will, consent, and without coercion or undue influence have amicably settled settled and compromised all their disputes with the intervention of the family members and the complainant has no further intention to pursue the criminal proceedings.

6. The learned counsel for the petitioners submits that in view of the settlement deed, the nature of the relationship between the parties and the subsequent development, continuation of the criminal proceedings would serve no fruitful purpose and would rather amount to an abuse of the process of law, as the petitioner No. 2 would not be able to continue her married life peacefully. The learned counsel for the petitioner submits that

the petitioner No.2 is no longer interested in pursuing the matter as they have resolved their differences amicably.

7. Reliance has been made by the learned counsel for the petitioner on the case of ***Madhukar and Ors v. State of Maharashtra reported in 2025 SC 1037.***

It is submitted that in the cited case the Supreme Court held that:-

> *6. At the outset, we recognise that the offence under Section 376 IPC is undoubtedly of a grave and heinous nature. Ordinarily, quashing of proceedings involving such offences on the ground of settlement between the parties is discouraged and should not be permitted lightly. However, the power of the Court under Section 482 CrPC to secure the ends of justice is not constrained by a rigid formula and must be exercised with reference to the facts of each case.*
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> *7. In the present matter, we are confronted with an unusual situation where the FIR invoking serious charges, including Section 376 IPC, was filed immediately following an earlier FIR lodged by the opposing side. This sequence of events lends a certain context to the allegations and suggests that the second FIR may have been a reactionary step. More importantly, the complainant in the second FIR has unequivocally expressed her desire not to pursue the case. She has submitted that she is now married, settled in her personal life, and continuing with the criminal proceedings would only disturb her peace and stability. Her stand is neither tentative nor ambiguous, she has consistently maintained, including through an affidavit on record, that she does not support the prosecution and wants the matter to end. The parties have also amicably resolved their differences and arrived at a mutual understanding. In these circumstances, the continuation of the trial would not serve any meaningful purpose. It would only prolong distress for all concerned, especially the complainant, and burden the Courts without the likelihood of a productive outcome."*

8. In view of the cited judgment, the learned counsel for the petitioners submits that this case is of similar nature inasmuch as in the case of Madhukar (supra), the offence was under section 376 Indian Penal Code, 1860, however, the Supreme Court had allowed the quashing of proceedings on the ground that the complainant had submitted that she is now married and settled in her personal lives and continuing with the criminal

proceedings would disturb her married life. The hon'ble Supreme Court in the cited case has also observed that continuation of the trial would not serve any meaningful purpose but it will only prolong the distress for all concerned specially the complainant and burden the Courts without productive outcome.

9. In view of the above submissions, the learned counsel for the petitioners prays that the impugned FIR dated 06.11.2010, Charge Sheet No. 64/2012, G.R. Case No. 402/2010 may be quashed and set aside.

10. The learned Addl.P.P. Ms. L. Hage appearing for the State respondents has fairly submitted that continuation of the criminal proceeding in such a case would not result in a conviction and would only cause distress to the concerned parties.

11. The question which arises for consideration before this Court is whether the inherent jurisdiction of this Court under section 528 Bharatiya Nagarik Suraksha Sanhita, 2023 can be exercised to quash an First Information Report(FIR) and the subsequent criminal proceeding involving offence under section 376 IPC on the basis of amicable settlement between the parties. There is no dispute that an offence under section 376 Indian Penal Code, 1860 is a serious and heinous offence having impact not only on individual concerned victim but also upon society at large. Such an offence is not compoundable in nature and ordinarily cannot be quashed merely because the victim and the accused entered into compromise. At the same time the inherent jurisdiction of this Court under section 528 Bharatiya Nagarik Suraksha Sanhita, 2023 is of a wide amplitude and is intended to prevent abuse of the process of any Court and to secure the ends of justice. The exercise of such a jurisdiction is not controlled by the limitations

prescribed under Section 320 of the CR.PC/359 BNSS, although the gravity of the offense remains a important consideration.

12. In cases of ***Madhukar and Ors*** (supra), the Hon'ble Supreme Court recognized that criminal proceedings involving an offence under Section 376 IPC may be quashed in exceptional circumstances on the basis of settlement between the parties. The Hon'ble Supreme Court took into account the peculiar circumstances of the case including the complainant's subsequent circumstances, her unequivocal desire not to pursue prosecution and the prospect that continuing of the proceedings would only prolong distress.

13. In the light of the aforesaid legal position, this Court is of the view that the perusal of the First Information Report(FIR) and the material placed before this Court shows that allegations in the First Information Report(FIR) arose mainly out of relationship between the petitioner No.1 and 2 and the nature and circumstances of the relationship do not prima facie indicates that physical relation was established by use of force or against the will of the petitioner No.2.

14. Having regard to the totality of the circumstances, this Court is of the considered opinion that permitting the criminal proceeding would not advance the cause of justice. Rather in the peculiar facts of the present case, continuation of the proceedings would amount to unnecessary continuation of criminal litigation despite the parties having genuinely resolved their differences.

15. In view of the observations made herein above, the criminal petition stands allowed.

16. Consequently, the FIR dated 06.11.2010, Charge Sheet No. 64/2012, G.R. Case No. 402/2010 under Sections 365/376 of the IPC, pending before the learned Chief Judicial Magistrate, Yupia, Papum Pare District is quashed and set aside.

JUDGE

Comparing Assistant