GAHC040019362026

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

Case No. : Crl.Petn./378/2026

Anong Tayeng and Anr
Son of Late Bamak Tayeng,
resident of Village Moruk, PO and PS Mebo,
East Siang District, Arunachal Pradesh.

2: Tanto Tabing
Age:
Occupation :
Son of Shri Otan Tabing
resident of Village Takilalung
PO and PS Pasighat
East Siang District
Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Jumgam Jini, Gyamar Jeevan,Mousmi Jini,Isaac Kaji,Topuk Gocham,Tao Tarin,Taying Nega
Advocate for the Respondent : P P of AP,

B E F O R E

HON'BLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

20.11.2026

Heard Ms. T Abik, learned counsel appearing on behalf of Mr. Jungam Jini,

learned counsel for the petitioners. Also heard Ms. L Hage, learned Addl. Public Prosecutor for the State.

2. The present petition has been preferred jointly by the informant and injured person (Petitioner No. 1) and the sole accused (Petitioner No. 2), invoking the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 of the Cr.P.C., 1973), seeking to quash and set aside FIR No. 09/2024 dated 30.11.2024, registered at Mebo Police Station under Sections 281/125(b) of the Bharatiya Nyaya Sanhita, 2023, Charge Sheet No. 03 dated 30.03.2025, and all subsequent criminal proceedings in G.R. Case No. 212/2024, presently pending before the Court of the learned Chief Judicial Magistrate, East Siang District, Pasighat, Arunachal Pradesh, on the basis of an amicable and voluntary settlement arrived at between the parties.

3. The prosecution case, as narrated in the written FIR dated 29.11.2024 lodged by Petitioner No. 1, is that on 26.11.2024, at around 1:00 PM, while Petitioner No. 1 was returning home from Mebo on his Royal Enfield (Thunderbird) motorcycle bearing Regd. No. AR-09C-2665 and was turning from National Highway-13 into the link road leading to his residence in the Mebo-Moruk area, a Maruti Ignis car bearing Regd. No. AR-01K-0575 hit his

motorcycle, as a result of which his collarbone was fractured and his chest was injured. The FIR was received at Mebo Police Station on 30.11.2024 at 12:05 hrs., whereupon Mebo P.S. Case No. 09/2024 was registered under Sections 281/125(b) of the BNS, 2023, and the investigation was entrusted to ASI N. Perme.

4. Subsequently, the charge-sheet was filed against the present Petitioner No. 2, as the investigation revealed that Petitioner No. 2 was driving the said vehicle at the time of the incident.

5. Subsequently, the learned Magistrate took cognizance of the offences and fixed the matter for consideration of charge. However, in the meantime, on 13.10.2026, i.e., on the date fixed for consideration of charge, the petitioners appeared in person, and Petitioner No. 1, the informant/victim, submitted before the Court that the matter had already been amicably settled out of Court to his full satisfaction.

6. It is submitted that the materials collected by the prosecution itself show that Petitioner No. 2 did not abandon the injured. In his statement under Section 180 of the BNSS, Petitioner No. 1 stated that when he shouted for help, the driver turned the car back, and that Petitioner No. 2, along with Shri Jini Borang and Shri Kalen Pasing, took him in the same car to RKM Hospital,

Pasighat, where he was given medical treatment, and thereafter took him to his residence at Paglek, Pasighat, and left only after obtaining his permission to do so. The statements of Shri Jini Borang and Shri Kalen Pasing are also to the same effect. Petitioner No. 2 also apologised to Petitioner No. 1 and informed his family about the accident. The allegation in the FIR that the driver had run away from the hospital was thus made under a misunderstanding, as subsequently clarified by Petitioner No. 1 himself.

7. As stated hereinbefore, the petitioners, with the intervention of their relatives and well-wishers, have amicably resolved all their differences and executed a deed of amicable settlement and compromise on 16.11.2026, which was duly notarized and has been annexed to the instant petition.

8. Learned counsel for the petitioners submits that, in view of the aforesaid compromise and having regard to the nature of the alleged offences, this Court may, in exercise of its inherent jurisdiction, quash the impugned proceedings. It is further submitted that the offence under Section 281 of the BNS, pertaining to rash driving on a public way, is punishable with imprisonment for a term which may extend to six months, or with fine which may extend to Rs. 1,000/-, or with both. It is contended that the alleged offences do not involve any mental depravity or moral turpitude, nor are they offences under any special statute. It

is further submitted that the offences are not heinous in nature and that the incident did not result in any loss of life. It is submitted that it was a case of pure accident and there was no motive on the part of the accused to cause injury to the informant.

9. The Hon'ble Apex Court, in State of *Madhya Pradesh vs. Lakshmi Narayan & Ors., (2019) 5 SCC 688* has held that criminal proceedings in respect of non-compoundable offences can be quashed if they are of a private nature and not a serious threat to society and the parties have resolved the dispute among themselves. Further, in *Gian Singh Vs. State of Punjab & Anr., (2012) 10 SCC 303*, 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. It would also be in the domain of the High Court to exercise its inherent power when there appears to be a bleak possibility of conviction or that the chances of a conviction are remote in view of the compromise affected between the parties. In the said decision the Hon'ble Apex Court has held as follows:

> "*48. A five-Judge Bench of the Punjab and Haryana High Court in Kulwinder Singh v. State of Punjab was called upon to determine, inter alia, the question whether the High Court has the power under Section 482 of the Code to quash the criminal proceedings or allow the compounding of the offences in the cases which have been specified as*

non-compoundable offences under the provisions of Section 320 of the Code. The five-Judge Bench referred to quite a few decisions of this Court including the decisions in Madhu Limaye, Bhajan Lal, L. Muniswamy, Simrikhia, B.S. Joshi and Ram Lal and framed the following guidelines: (Kulwinder Singh case, CTC pp. 783-84, para 21)

"21. ... '(a) Cases arising from matrimonial discord, even if other offences are introduced for aggravation of the case.

(b) Cases pertaining to property disputes between close relations, which are predominantly civil in nature and they have a genuine or belaboured dimension of criminal liability. Notwithstanding a touch of criminal liability, the settlement would bring lasting peace and harmony to larger number of people.

(c) Cases of dispute between old partners or business concerns with dealings over a long period which are predominantly civil and are given or acquire a criminal dimension but the parties are essentially seeking a redressal of their financial or commercial claim.

(d) Minor offences as under Section 279 1PC may be permitted to be compounded on the basis of legitimate settlement between the parties. Yet another offence which remains non-compoundable is Section 506(11) IPC, which is punishable with 7 years imprisonment. It is the judicial experience that an offence under Section 506 IPC in most cases is based on the

oral declaration with different shades of intention. Another set of offences, which ought to be liberally compounded, are Sections 147 and 148 IPC, more particularly where other offences are compoundable. It may be added here that the State of Madhya Pradesh vide M.P. Act 17 of 1999 (Section 3) has made Sections 506(11) IPC, 147 IPC and 148 IPC compoundable offences by amending the schedule under Section 320 CrPC.

(e) The offences against human body other than murder and culpable homicide where the victim dies in the course of transaction would fall in the category where compounding may not be permitted. Heinous offences like highway robbery, dacoity or a case involving clear-cut allegations of rape should also fall in the prohibited category. Offences committed by public servants purporting to act in that capacity as also offences against public servant while the victims are acting in the discharge of their duty must remain non-compoundable. Offences against the State enshrined in Chapter VII (relating to army, navy and air force) must remain non-compoundable.

(f) That as a broad guideline the offences against human body other than murder and culpable homicide may be permitted to be compounded when the court is in the position to record a finding that the settlement between the parties is voluntary and fair.

While parting with this part, it appears necessary to add that the settlement or compromise must satisfy the conscience of the court. The settlement must be just and fair besides being free from the undue pressure, the court must examine the cases of weaker and vulnerable victims with necessary caution."

To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the court to exercise its power under Section 482 CrPC. The only principle that can be laid down is the one which has been incorporated in the section itself i.e. 'to prevent abuse of the process of any court' or 'to secure the ends of justice'."

"*50. A three-Judge Bench of the Bombay High Court in Abasaheb Yadav Honmane v. State of Maharashtra dealt with the inherent power of the High Court under Section 482 of the Code vis-à-vis the express bar for compounding of the non-compoundable offences in Section 320 (9) of the Code. The High Court referred to various decisions of this Court and also the decisions of the various High Courts and then stated as follows: (Mah LJ pp. 904-05, para 14)*

> *"14. The power of compounding on one hand and quashing of criminal proceedings in exercise of inherent powers on the other, are incapable of being treated as synonymous or even interchangeable in law. The conditions precedent and satisfaction of criteria in each of these cases are distinct and different. May be, the only aspect where they have any*

commonality is the result of exercise of such power in favour of the accused, as acquittal is the end result in both these cases. Both these powers are to be exercised for valid grounds and with some element of objectivity. Particularly, the power of quashing the FIR or criminal proceedings by the court by taking recourse to inherent powers is expected to be used sparingly and that too without losing sight of impact of such order on the criminal justice delivery system. It may be obligatory upon the court to strike a balance between the nature of the offence and the need to pass an order in exercise of inherent powers, as the object of criminal law is protection of public by maintenance of law and order."

"*51. Section 320 of the Code articulates public policy with regard to the compounding of offences. It catalogues the offences punishable under IPC which may be compounded by the parties without permission of the court and the composition of certain offences with the permission of the court. The offences punishable under the special statutes are not covered by Section 320. When an offence is compoundable under Section 320, abatement of such offence or an attempt to commit such offence or where the accused is liable under Section 34 or 149 IPC can also be compounded in the same manner. A person who is under 18 years of age or is an idiot or a lunatic is not competent to contract compounding of offence but the same can be done on his behalf with the permission of the court. If a person is otherwise competent to compound an offence is dead, his legal representatives may also compound the offence with the permission of the court. Where the*

accused has been committed for trial or he has been convicted and the appeal is pending, composition can only be done with the leave of the court to which he has been committed or with the leave of the appeal court, as the case may be. The Revisional Court is also competent to allow any person to compound any offence who is competent to compound. The consequence of the composition of an offence is acquittal of the accused. Sub-section (9) of Section 320 mandates that no offence shall be compounded except as provided by this section. Obviously, in view thereof the composition of an offence has to be in accord with Section 320 and in no other manner."

"*57. Quashing of offence or criminal proceedings on the ground of settlement between an offender and victim is not the same thing as compounding of offence. They are different and not interchangeable. Strictly speaking, the power of compounding of offences given to a court under Section 320 is materially different from the quashing of criminal proceedings by the High Court in exercise of its inherent jurisdiction. In compounding of offences, power of a criminal court is circumscribed by the provisions contained in Section 320 and the court is guided solely and squarely thereby while, on the other hand, the formation of opinion by the High Court for quashing a criminal offence or criminal proceeding or criminal complaint is guided by the material on record as to whether the ends of justice would justify such exercise of power although the ultimate consequence may be acquittal or dismissal of indictment."*

"*58. Where the High Court quashes a criminal proceeding having*

regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly

any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed."

10. In a similar manner, the Hon'ble Supreme Court in the case of *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Ors., Vs. The State of Gujarat & Anr.*, reported in *2017 (9) SCC 641*, as well as in the case of *Laxmi Narayan (supra)*, reitereated the principles laid down in the aforesaid cases of *Gian Singh (supra) and Narinder Singh (supra)*.

11. In the instant case, the dispute between the parties appears to be private in nature, which has been duly settled through a compromise between the parties. Since the petition has been filed jointly by the parties, the compromise appears to be voluntary. The learned Addl. Public Prosecutor also fairly submits that he does not object to the prayer of the petitioners.

12. Having regard to the law as laid down by the Hon'ble Supreme Court, as discussed hereinabove, I am of the view that the present case is a fit one for invoking the inherent jurisdiction of this Court to quash the criminal proceedings, which I accordingly do. Resultantly, the criminal proceedings in G.R. Case No. 212/2024, pending before the learned Chief Judicial Magistrate,

East Siang District, Pasighat, stand quashed.

13. The petition stands allowed and disposed of.

JUDGE

Comparing Assistant