GAHC010137472026

2026:GAU-AS:15509

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

Case No. : Crl.Pet./1008/2026

BHARGAB SAHARIAH
S/O-LATE NARESWAR SAHARIAH, VILL.-KABEICHUBA, P.O.-BORDOULGURI, P.S.-SIPAJHAR, DIST.-DARRANG, ASSAM. PIN-784125

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE LEARNED P.P., ASSAM.

2:PURAN DAS
S/O-LT. PRASANNA KUMAR DAS
R/O- WARD NO.3
WORKSHOP
ABHAYAPURI TOWN
P.O.-ABHAYAPURI
P.S.-ABHAYAPURI
DIST.-BONGAIGAON
ASSAM
PIN-783380

3:DEBAJIT DAS
S/O- PURAN DAS R/O- WARD NO.3
WORKSHOP
ABHAYAPURI TOWN
P.O.-ABHAYAPURI
P.S.-ABHAYAPURI
DIST.-BONGAIGAON
ASSAM
PIN-78338

Advocate for the Petitioner : MR. S AHMED,

Advocate for the Respondent : PP, ASSAM, MR. M RAHMAN (R-2, R-3)

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

13.10.2026

1. Heard Mr. S. Ahmed, learned counsel appearing for the petitioner. Also heard Mr. K.K. Das, learned APP appearing for the State of Assam and Mr. M. Rahman, learned counsel appearing for the respondent Nos.2 & 3.

2. The petitioner has prayed for quashing the FIR in Abhayapuri P.S. Case No. 261/2020 as well as the proceedings in PRC Case No. 497/2021 registered under Sections 279/338/427 of the IPC and pending before the learned Sub-Divisional Judicial Magistrate, North Salmara, Abhayapuri.

3. The case of the petitioner is that an FIR was lodged by the father of the injured victim stating *inter alia* that his son was proceeding on foot from his house towards Abhayapuri town when a motorcycle being driven at a high speed and in a rash and negligent manner knocked him down. It is stated that as a result of the accident his son sustained injuries and although he was initially admitted to the local hospital he was subsequently referred to a better-equipped hospital for further treatment. It is the further case of the petitioner that upon completion of the investigation the police submitted a charge sheet pursuant to which the proceedings were initiated before the learned trial court.

4. The learned counsel appearing for the petitioner has sought quashing of the aforesaid FIR as well as the proceedings in the PRC Case on the ground that the dispute has been amicably settled between the parties. He submits that a meeting was convened by the villagers wherein the petitioner was made to bear

the medical expenses of the injured person following which the matter was settled amicably between the parties.

5. The respondent Nos. 2 and 3 have filed an affidavit stating *inter alia* that the matter has been amicably settled between them and the petitioner. It is stated that after registration of the FIR respondent No. 2 along with the injured victim entered into a compromise with the petitioner and they jointly approached the Officer-in-Charge of the concerned police station with a request to withdraw the FIR. However, the police subsequently submitted a charge sheet against the petitioner.

6. It is further stated that following the accident, the family members of the petitioner extended all possible assistance to the injured person for his medical treatment and early recovery and that the entire medical expenses were borne by the petitioner. The respondents have also stated that the injured victim has since recovered and resumed his duties at his workplace.

7. On the other hand, Mr. K.K. Das, learned APP submits that the offence punishable under Section 279 of the IPC is non-compoundable.

8. I have heard the learned counsel for the parties and perused the records. It is a settled position of law that cases which do not have an adverse impact on society at large and involve disputes of a personal nature may be quashed on the basis of a settlement arrived at between the victim and the accused. In *Parbatbhai Aahir vs. State of Gujarat* reported in *(2017) 9 SCC 641*, the Hon'ble Supreme Court has observed that heinous and serious offences such as murder, rape and dacoity cannot ordinarily be quashed merely on the basis of a settlement between the parties. However, proceedings arising out of disputes of a predominantly personal nature may be quashed depending upon the facts and

circumstances of the case.

9. In the present case, it appears that the family members of the petitioner approached the victim's father and extended all possible assistance towards the victim's medical treatment. The victim has since recovered from the injuries sustained in the accident and resumed his duties.

10. The Hon'ble Supreme Court has also held that in cases where there is no likelihood of conviction or where the continuation of the criminal proceedings would cause oppression and prejudice to the parties, the proceedings may be quashed in the interest of justice.

11. In the facts and circumstances of the instant case, this Court is of the view that there is no likelihood of conviction of the accused. Accordingly, this Court deems it fit and proper to quash the FIR as well as the criminal proceedings initiated pursuant thereto. Accordingly, the FIR in Abhayapuri P.S. Case No. 261/2020 along with the charge sheet submitted pursuant thereto and the proceedings in PRC Case No. 497/2021 pending before the learned Sub-Divisional Judicial Magistrate, North Salmara, Abhayapuri are hereby quashed in the interest of justice.

12. The petition stands disposed of accordingly.

JUDGE

Comparing Assistant