GAHC010212212026

2026:GAU-AS:14958

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

Case No. : Crl.Pet./1344/2026

BISWAJIT SAIKIA
S/O ROBIN SAIKIA, R/O JYOTI NAGAR, VTC NO 2, SILAPATHAR BLOCK,
P.O. SISSIBARGAON, P.S. SILAPATHAR, DIST. DHEMAJI, ASSAM, PIN 787059

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY PP, ASSAM.

2:SMTI NIJWRA BASUMATARY
D/O DWIMWILU BASUMATARY
R/O VILL. HANGMA CHAPORI
P.O. AND P.S. SIMEN CHAPORI
DIST. DHEMAJI
ASSAM
PIN 78706

Advocate for the Petitioner : MR G CHAMUAH, MR. D GOGOI

Advocate for the Respondent : PP, ASSAM, MR. U S BORA(R2)

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 06.10.2026

Heard Mr. G. Chamuah, the learned counsel for the petitioner, and Mr. D. P. Goswami, the learned Addl. Public Prosecutor for the State of Assam and Mr.

U. S. Borah, the learned counsel appearing for respondent no. 2.

2. By this application filed under section 528 of B. N. S. S. 2023, the petitioner has prayed for quashing of the FIR registered as Simen Chapori P.S. Case No. 23/2026, registered under Section 69 of the BNS, 2023.

3. The primary ground taken by the petitioner for quashing of the said FIR was on the settlement amongst the parties, i.e. between the victim and petitioner. The case of the petitioner is that, an FIR was lodged by the victim on 06.08.2026, wherein she had stated that she and petitioner fell in love and that the petitioner assured her that he would marry her and on being satisfied with the promises given by the petitioner, she entered into a physical relationship with him. She thereafter stated that, later she came to know that the petitioner is a married person, which he had concealed from her and also that had she known he was a married person, she would have never entered into a relationship with him. She also stated that, the petitioner had maintained an extra marital relationship and had also deceived that girl by making false promises of marriage. The police on receipt of the said FIR, lodged the case as Simen Chapori P.S. Case No. 23/2026.

4. The learned counsel for the petitioner submits that, the victim had allegedly blackmailed the petitioner and had taken substantial amount of money from him. However, he submitted that the victim had sworn in an affidavit on 18.09.2026, wherein, she stated that, the FIR was lodged by her due to certain misunderstanding, miscommunication and emotional distress. She also stated therein, that, after filing of the FIR, the family members had held discussions to resolve the dispute amicably and that she entered into the compromise voluntarily out of her own volition. She also stated that, in view of

the amicable settlement, she does not harbor any grudge or grievance against the petitioner and that she does not want to prosecute or continue with the police case given by her. It is also seen that, the said affidavit has been notarized and the stamp paper was also bought by her. The Learned counsel for the petitioner as such submits that, the case be closed in view of the same.

5. On the other hand, Mr. U.S. Bora, the learned counsel appearing for the victim, i.e. the respondent no. 2, concedes to the statement made by the learned counsel for the petitioner to the effect that the victim has sworn in the affidavit on 18th of September, 2026, stating *inter alia* that she had reached an amicable settlement with the petitioner and she is no longer willing to continue with the criminal case.

6. Mr. D.P. Goswami, the learned APP also submits that since the instant matter relates to personal issues which has no effect on the society at large, the case can be closed on settlement as held by the Supreme Court.

7. I have heard the counsels and have gone through the records. It is a settled position of law that cases which are of personal nature and arising out of relationship between two adults, the same can be quashed on the settlement being reached between the parties.

8. The Hon'ble Apex Court had held in many cases, one of them being in "***Parbatbhai Aahir Vs. State of Gujarat"*** reported in (***2017) 9 SCC, 641***", wherein, it was held that criminal cases involving offences which arise out of commercial, financial or personal issues which has essentially civil flavor may in appropriate situations call for quashing when parties have settled the dispute. The Hon'ble Supreme Court had however held that heinous and

serious offences involving mental depravity or offences such as murder, rape or decoity shall not be quashed on settlement reached between the parties. In the instant case, it is seen that, the informant and the petitioner were in a love relationship and they entered into a physical relationship pursuant to the same.

9. The informant had alleged that, she had suffered mental trauma, emotional distress, but the same in the considered opinion of this court had not affected the society at large and the same had remained between the parties. It is thereafter seen that the informant herself had sworn an affidavit which was notarized, wherein she stated that, she had filed the FIR on a misunderstanding and she does not want to continue with the same and that, there is an amicable settlement between the parties. As such, this court deems it fit to quash the FIR being registered as Simen Chapori P.S. Case No. 23/2026, registered under section 69 of BNS 2023.

10. Petition is disposed off.

JUDGE

Comparing Assistant