GAHC020007972026 2026:GAU-NL:546

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

Case No. : Crl. Pet./37/2026

SHRI L. LIPOK IMCHEN AND 2 ORS
S/O LANU IMCHEN, R/O NEW MINISTERS HILL, KOHIMA,
NAGALAND

2: SHRI IMLINUNGBA JAMIR
R/O NEW MINISTERS HILL
KOHIMA
NAGALAND

3: SHRI TEMJEN IMNA ALONG
S/O LATE JONAH IMNA SASHI
R/O MH-10
OLD MINISTERS HILL
KOHIMA
NAGALAND

VERSUS

THE STATE OF NAGALAND
REPRESENTED BY THE PUBLIC PROSECUTOR, NAGALAND

Advocate for the Petitioner : MOA JAMIR, K SHIJOH,GRACE I NAMGI,THEJANUO METHA,YANGRO HUMTSOE

Advocate for the Respondent : P.P, NAGALAND,

Gaithuiliu Gonmei
Digitally signed by Gaithuiliu Gonmei
Date: 2026.10.13 13:27:28 +05'30'

Date on which judgment is reserved : **08.10.2026**
Date of pronouncement of judgment : **13.10.2026**

Whether the pronouncement is of the

operative part of the judgment : N/A

Whether the full judgment has been pronounced : Yes

BEFORE:
HON'BLE MR. JUSTICE NCHUMBEMO MOZHUI
JUDGMENT & ORDER (CAV)

Heard Mr. Moa Jamir, learned counsel for the Petitioners and Mr. E. Thiba Phom, learned Public Prosecutor appearing for the sole Respondent/State.

2. The instant petition has been filed jointly by the Petitioner No. 1 (Accused), Petitioner No. 2 (Complainant) and Petitioner No. 3 (Registered owner of the vehicle) under Section 528 of *Bharatya Nagarik Suraksha Sanhita*, 2023 (BNSS), praying for quashing of the FIR dated 15.10.2025, which resulted in the registration of G.R. No. 137/2025 corresponding to Kohima South P.S. Case No. 0035/2025 U/s 305(e) of *Bharatya Nagarik Suraksha Sanhita*, 2023, Chargesheet No. 36/2025 dated 29.10.2025 and the criminal proceedings thereof. In the said case, Petitioner No. 1 is the Accused and Petitioner No. 2 is the Complainant. It is their case that they have arrived at a compromise and a Deed dated 03.08.2026 have been executed between them to this effect. The aforesaid case is pending before the Court of the Chief Judicial Magistrate, Kohima, Nagaland.

3. The facts in brief are that, the Petitioner No. 1 (Accused) is alleged to have stolen a white Toyota Fortuner bearing Registration No. NL10C3018 belonging to Respondent No. 3. Based on the FIR the Kohima

South P.S. registered a Case No. 0035/2025 and arrested the Petitioner No. 1 (Accused).

4. The investigation was carried out and the Investigating Officer filed the Chargesheet No. 0035/2025 on 29.10.2025 U/s 305(e) of *Bharatya Nagarik Suraksha Sanhita*, 2023 and forwarded to the Chief Judicial Magistrate, Kohima, Nagaland with a prayer for 14 (fourteen) days Judicial remand. The case is pending trial before the Court of the Chief Judicial Magistrate, Kohima, Nagaland.

5. The Chargesheet states that Petitioner No. 1 (Accused) admitted that he stole the white Toyota Fortuner bearing Registration No. NL10C3018 and therefore, a prima facie case has been made out against him which he had fairly admitted to the commission of the offence.

6. In the petition, it is stated that a compromise has been entered into between the three parties, i.e. the Petitioner No. 1 (Accused), Petitioner No. 2 (Complainant) and the Petitioner No. 3 (Registered owner of the vehicle). Thereupon, the parties discussed/deliberated upon the matter. Consequently, in the Christian spirit of forgiveness, a Compromise Deed dated 03.08.2026 (Annexure-C to the petition) was executed.

7. The Petitioner No. 1 (Accused) has been booked for offences U/s 305(e) of *Bharatya Nagarik Suraksha Sanhita*, 2023, which is a non-compoundable offence.

8. Mr. Moa Jamir, learned counsel for the Petitioners submits that the Petitioners have mutually agreed to resolve the matter between them

and accordingly executed the Compromise Deed dated 03.08.2026. Further to that, considering the nature of the case, notwithstanding the non-compoundable section under which the Petitioner No. 1 (Accused) has been charged, it would be fit and proper for this Court to exercise its powers under U/S 528 of the *Bhartiya Nagarik Suraksha Sanhita*, 2023 for quashing the FIR dated 15.10.2025, and the case registered thereon viz., G.R. No. 137/2025 corresponding to Kohima South P.S. Case No. 0035/2025.

9. In support of his submission, the counsel for the Petitioners relies on the authorities hereunder:

(i) ***Gian Singh vs. State of Punjab and Anr (2012) 10 SCC 303***:-

> *"8. In Manoj Sharma3, the Court was concerned with the question whether an F.I.R. under Sections 420/468/471/34/120-B IPC can be quashed either under Section 482 of the Code or under Article 226 of the Constitution when the accused and the complainant have compromised and settled the matter between themselves. Altamas Kabir, J., who delivered the lead judgment referred to B.S. Joshi1 and the submission made on behalf of the State that B.S. Joshi1 required a second look and held that the Court was not inclined to accept the contention made on behalf of the State that the decision in B.S. Joshi1 required reconsideration, at least not in the facts of the case. It was held that what was decided in B.S. Joshi1 was the power and authority of the High Court to exercise jurisdiction under Section 482 of the Code or under Article 226 of the Constitution to quash offences which were not compoundable. The law stated in B.S. Joshi1 simply indicated the powers of the High Court to quash any criminal proceeding or first information report or complaint whether the offences were compoundable or not. Altamas Kabir, J. further observed, "The*

ultimate exercise of discretion under Section 482 CrPC or under Article 226 of the Constitution is with the court which has to exercise such jurisdiction in the facts of each case. It has been explained that the said power is in no way limited by the provisions of Section 320 CrPC. We are unable to disagree with such statement of law. In any event, in this case, we are only required to consider whether the High Court had exercised its jurisdiction under Section 482 CrPC legally and correctly." Then in paragraphs 8 and 9 (pg. 5) of the Report, Altamas Kabir, J., inter alia, held as under :

> *"8. …..Once the complainant decided not to pursue the matter further, the High Court could have taken a more pragmatic view of the matter. We do not suggest that while exercising its powers under Article 226 of the Constitution the High Court could not have refused to quash the first information report, but what we do say is that the matter could have been considered by the High Court with greater pragmatism in the facts of the case.*
> *9. ……In the facts of this case we are of the view that continuing with the criminal proceedings would be an exercise in futility.*

58. Where High Court quashes a criminal proceeding having regard to the fact that dispute between the offender and victim has been settled although 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 wrong doing that seriously endangers and threatens well-being of 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 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

Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between offender and 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 victim and the offender and 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 F.I.R if it is satisfied that on the face of such settlement, there is hardly any likelihood of 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."

(ii) ***Yogendra Yadav and Ors. vs. State of Jharkhand and Anr. (2014) 9 SCC 653***:-

"4. Now, the question before this Court is whether this Court can compound the offences under Sections 326 and 307 IPC which are non-compoundable? Needless to say thatoffences which are non-compoundable cannot be compounded by the court. Courts draw the power of compounding offences from Section 320 of the Code. The said provision has to be strictly followed (Gian Singh v. State of Punjab). However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under Section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable. In which cases

the High Court can exercise its discretion to quash the proceedings will depend on facts and circumstances of each case. Offences which involve moral turpitude, grave offences like rape, murder etc. cannot be effaced by quashing the proceedings because that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such offences are quashed, it may send wrong signal to the society. However, when the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquility and where it feels that quashing of such proceedings on accounts of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace.

5. In Gian Singh this Court has observed that 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. Needless to say that the above observations are applicable to this Court also.

6. Learned counsel for the parties have requested this Court that the impugned order be set aside as the High Court has not noticed the correct position in law in regard to quashing of criminal proceedings when there is a compromise. Affidavit has been filed in this Court by complainant – Anil Mandal, who is respondent No. 2 herein. In the affidavit he has stated that a compromise petition has been filed in the lower court. It is further stated that he and the appellants are neighbours, that there is harmonious relationship between the

two sides and that they are living peacefully. He has further stated that he does not want to contest the present appeal and he has no grievance against the appellants. Learned counsel for the parties have confirmed that the disputes between the parties are settled; that parties are abiding by the compromise deed and living peacefully. They have urged that in the circumstances pending proceedings be quashed. State of Jharkhand has further filed an affidavit opposing the compromise. The affidavit does not persuade us to reject the prayer made by the appellant and the second respondent for quashing of the proceedings."

(iii) ***Naushey Ali and Ors. vs. State of Uttar Pradesh and Anr. (2025) 4 SCC 78*** whereby the Apex Court taking the view taken in the case of ***Gian Singh*** (supra) that the question of criminal proceeding having regard to the fact the dispute between the offender and the victim has been settled although the offence are not compoundable, it does so as in its opinion, continuation of criminal proceedings would 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.

10. Mr. E. Thiba Phom, learned Public Prosecutor appearing for the State fairly submits since the matter has been compromised between the parties and the sections charged are not grievous in nature, he has no objection to the matter being closed. In so far as it relates to the prayer of the Petitioners for closing of the criminal proceeding it is fairly submitted by Mr. E. Thiba Phom, learned Public Prosecutor, that he has no objection if this Court disposes of the matter without going into the merits of the case.

11. The counsels for the parties have been heard at length and the records have also been perused. The Petitioner No. 1 (Accused) has been charged U/s 305(e) of *Bharatya Nagarik Suraksha Sanhita*, 2023. The aforesaid section does not indicate that the Petitioner No. 1 (Accused) has been charged with a commission of heinous offences. The allegation against him is that he stole the white Toyota Fortune of the Petitioner No. 3 (Registered owner of the vehicle). Section 305(e) *Bharatya Nagarik Suraksha Sanhita*, 2023 is not a compoundable offence. In ***Gian Singh*** (supra) and ***Yogendra Yadav*** (supra), the Hon'ble Apex Court has held that, where a dispute between the offender and the victim has been settled, although the offences are not compoundable, the FIR may be quashed if in the opinion of the Court, the continuance of the criminal proceeding would be an exercise in futility. The Hon'ble Apex Court also observed that in such circumstances, the ultimate guiding factor would be to put an end to the dispute and restore peace for securing the ends of justice.

12. A compromise has been effected between the petitioners and the same has been recorded in the Compromise Deed dated 03.08.2026. Considering the nature of the case and the aforesaid Compromise Deed, I am of the considered opinion that the ratio in ***Gian Singh*** (supra) and ***Yogendra Yadav*** (supra) can be applied to the instant case. No purpose would be served by continuing with the criminal proceedings. Its continuance would be an exercise in futility and would serve no purpose to either of the parties. Accordingly, the FIR dated 15.10.2025 corresponding to Kohima South P.S. Case No. 0035/2025 U/s 305(e) of *Bharatiya Nagarik Suraksha Sanhita*, 2023 corresponding to G.R. Case No.

137/2025 and Chargesheet dated 29.10.2025, and all the subsequent criminal proceedings arising therefrom are hereby quashed and set aside.

13. The instant petition stands allowed, there shall be no order as to cost.

JUDGE

Comparing Assistant