GAHC040002672026

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

Case No. : Crl.Petn./41/2026

Hillang Takang and Anr
Son of Shri Hillang Nigung, permanent resident of 5/1 Aniya Colony, PO and PS Banderdewa, Papum Pare District, Arunachal Pradesh. 791123

2: Smti Tana Apu
Age: Occupation :
Wife of Shri Hillang Takang
presently residing at Pech Village
Near Govt Primary School Pech
PO Khell PS Sagalee Papum Pare District Arunachal Pradesh. 791111

VERSUS

The State of AP represented by the PP of AP

Advocate for the Petitioner : Tania Kipa, T Nima,Kago Tana
Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 27.02.2026

Heard Mr. Tania Kipa, learned counsel, appearing on behalf of the petitioners. Also heard Mr. Duksor Loyi, learned P.P., Arunachal Pradesh.

2. This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has been jointly filed by the accused and the informant, praying

for quashing and setting aside of Itanagar Women P.S. Case No. 12/2026, dated 12.02.2026, registered under Section 85 of the Bharatiya Nyaya Sanhita, 2023, as well as the proceedings of G.R. No. 124/2026 in the Court of the learned Chief Judicial Magistrate, Yupia.

3. The brief facts of the case is that the petitioner No. 2 who is the wife of the petitioner No. 1 has lodged the First Information Report(FIR) against her husband petitioner No. 1, on 28.01.2026, alleging, therein, that since the year 2021, she is in a marital relationship with the petitioner No. 1. However, the petitioner No. 1 who earlier claimed to have divorced his first wife, concealed regarding the pendency of the divorce case with his first wife from the informant and continued to maintain illicit relationship with his first wife due to which there has been a repeated dispute and assault upon her. Accordingly, the aforementioned police case was registered on 12.02.2026.

4. The learned counsel for the petitioners submits that immediately after registration of the aforesaid police case, the informant wife and the accused husband have amicably resolved their dispute and executed a deed of mutual settlement on 19.02.2026, whereby, it is stated that due to some misunderstanding between both the petitioners; the wife has lodged the instant First Information Report(FIR) against her husband and since the matter has been amicably settled between the parties with the intervention of the elders and relatives; the informant has no further grievance against the accused and she does not want to pursue the matter any further and accordingly, the informant also intimated the Officer-in-Charge of Itanagar Women P.S. that she wish to withdraw the First Information Report(FIR) lodged by her against her accused-husband.

5. The learned counsel for the petitioners further submits that since the matter has been amicably resolved between the parties, the informant/victim has no further grievance against the accused-petitioner No. 1; therefore, the further proceeding of the investigation of the aforesaid police case would be a futile exercise and it would only cause harassment to both the accused and the informant and therefore, the learned counsel for the petitioners prays for quashing of the aforesaid Itanagar Women P.S. Case No. 12/2026, dated 12.02.2026, registered under Section 85 of the Bharatiya Nyaya Sanhita, 2023, as well as the proceedings of G.R. No. 124/2026 in the Court of the learned Chief Judicial Magistrate, Yupia.

6. Mr. Loyi, learned Public Prosecutor, Arunachal Pradesh, on instructions, submits that he has received the status report of the aforesaid police case and the matter is still under investigation. However, since the matter has amicably been settled between the informant and the accused being wife and the husband, respectively, and the allegations in the First Information Report(FIR) itself indicates that the dispute arose out of a matrimonial dispute between them, and also taking into account that the informant-wife has no further grievance against the accused and does not wish to pursue with the matter; he has no objection if the prayer of the petitioners is allowed.

7. The learned Public Prosecutor, Arunachal Pradesh, further submits that he has also received a copy of the letter written by the informant-petitioner No. 2 addressed to the Officer-in-Charge of the Police Station, whereby, the informant has expressed her willingness to withdraw the First Information Report(FIR) lodged by her against the accused-petitioner No. 1. Under such circumstances, he fairly submits that the further proceeding of the case would be futile exercise and it would amount to abuse of the process of law.

8. I have heard the submissions advanced by the learned counsels for the parties and also perused the status report.

9. It appears that the dispute arose between the wife and the husband when the accused husband alleged to have continued to maintain his illicit relationship with his first wife because of which, there has been a marital discord between the petitioners resulting in lodging of the aforesaid police case by the petitioner No. 2 against the petitioner No. 1. However, subsequently, the matter has been amicably settled between the parties by executing a mutual deed of settlement on 19.02.2026, wherein, the informant has clearly expressed that the aforesaid police case being Itanagar Women P.S. Case No. 12/2026, dated 12.02.2026, under Section 85 of the Bharatiya Nyaya Sanhita, 2023, has been lodged by her due to some misunderstanding between her and her husband-petitioner No. 1 and she has no further grievance against the accused-petitioner No. 1 and does not wish to pursue the matter any further. Under the circumstances, it appears that the dispute is purely personal in nature and has arisen out of a marital dispute between the husband-petitioner No. 1 and the wife-petitioner No. 2. It also appears that the dispute does not affect the society at large. Given the facts and circumstances of the case, there appears to have been only a remote possibility of conviction and thus, if the investigation/ proceeding is allowed to be continued; it would only cause harassment to both the parties which would rather amount to an abuse of the process of law.

10. The Hon'ble Supreme Court in the case of ***State of Madhya Pradesh v. Laxmi Narayan & ors.,*** reported in ***(2019) 5 SCC 688*** held that the High Court in exercise of inherent power conferred under Section 482 of the Code of Criminal Procedure, 1973, can quash the criminal proceedings even for non-compoundable offences which are private in nature and do no have serious impact on society on the ground that there is a settlement/compromise between the victim and the

offender.

11. In the light of the principle laid down by the Hon'ble Supreme Court in the case of ***Gian Singh v. State of Punjab & anr***., reported in ***(2012) 10 SCC 303***; ***Narinder Singh & ors. v. State of Punjab & anr***., reported in ***(2014) 6 SCC 466***, as well as in the case of ***Laxmi Narayan*** (supra), wherein the Court has permitted quashing of the proceedings even in non-compoundable offence in cases involved in private disputes which do not affect the society at large, this Court is of the opinion that this is a fit case where inherent power under Section 482 of the Code of Criminal Procedure, 1973/528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, should be exercised to secure the ends of justice.

12. Accordingly, the proceedings in Itanagar Women P.S. Case No. 12/2026, dated 12.02.2026, registered under Section 85 of the Bharatiya Nyaya Sanhita, 2023, as well as the proceedings of G.R. No. 124/2026 in the Court of the learned Chief Judicial Magistrate, Yupia against the petitioner No. 1 Shri Hillang Takang, are hereby quashed.

13. In terms of the above, the instant joint petition filed by the petitioners under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, stands allowed and disposed of.

JUDGE

Comparing Assistant