

GAHC040012662026



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

Case No. : Crl.Petn./235/2026

Chukhu Tulu and 4 Ors

Son of Shri Chukhu Loma, resident of Village Gumto-I, PO and PS Doimukh, Papum Pare District, Arunachal Pradesh. 2: Nabam Naga

Age:

Occupation :

Son of Late Nabam Takang
resident of Village Rate (Sagalee)
PO and PS Sagalee
Papum Pare District
Arunachal Pradesh.

3: Nabam Tadik

Age:

Occupation :

Son of Late nabam Takang
resident of Village Rate (Sagalee)
PO and PS Sagalee
Papum Pare District
Arunachal Pradesh.

4: Biki Hakap

Age:

Occupation :

Son of Shri Biki Gania
resident of Nyikum Niya Colony
Nirjuli
PO and PS Nirjuli
Papum Pare District
Arunachal Pradesh.

5: Tarh Tango

Age:

Occupation :

Son of Tarh Bayu
resident of Village Arung
PO Mengio
PS Sagalee
Papum Pare District
Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Regum Nabam, Apra Linggi, Rima Taipodia

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 28.08.2026

Heard Mr. R. Taipodia, learned counsel for the petitioner. Also heard Ms. T. Jini, learned Additional Public Prosecutor for the State of Arunachal Pradesh.

2. This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has been filed jointly by the informant (petitioner No. 1) and the accused (petitioner Nos. 2, 3, 4 and 5), praying for quashing of the proceedings in G.R. Case No. 625/2025, arising out of Nirjuli P.S. Case No. 72/2019, registered under Sections 392/451/34 of the IPC, pending before the Court of the learned Judicial Magistrate First Class, Capital Complex, Yupia.

3. The petitioner No. 1, Shri Chukhu Tulu, is the informant; petitioner No. 2, Shri Nabam Naga; petitioner No. 3, Shri Nabam Tadik; petitioner No. 4, Shri Biki Hakap; and petitioner No. 5, Shri Tarh Tango, are the accused persons in the

aforesaid Nirjuli P.S. Case No. 72/2019.

4. The case leading to the filing of this criminal petition is that, on 05.09.2019, the informant (petitioner No. 1) lodged a written FIR before the Officer-in-Charge, Nirjuli Police Station, *inter alia*, alleging that some unknown persons had looted certain articles, including a CPU, printer and fingerprint device, from the Customer Service Point (CSP) of State Bank of India operated by him from his shop.

5. Based on the aforesaid FIR, the police registered Nirjuli P.S. Case No. 72/2019 under the aforementioned sections.

6. During the course of the investigation, the accused-petitioners Nos. 2 to 5 were arrested and subsequently released on bail. The case was duly investigated into, and upon completion of the investigation, the Investigating Officer submitted charge-sheet vide Charge-sheet No. 12/2022, dated 19.05.2022, against the accused-petitioners Nos. 2 to 5 for commission of the offences punishable under Sections 392/451/34 of the IPC. The learned Judicial Magistrate First Class, Capital Complex, Yupia, thereafter took cognizance of the case and framed charges against the petitioner Nos. 2 to 5 for the offence under Section 392 of the IPC. The case is now pending for examination of prosecution witnesses before the learned Judicial Magistrate First Class, Capital Complex, Yupia.

7. Mr. Taipodia, learned counsel for the petitioners, submits that, during the pendency of the trial, the dispute between the parties has been amicably settled by executing a Mutual Settlement dated 11.05.2026, annexed as Annexure-F to the petition. The Mutual Settlement, *inter alia*, contains that the informant and

the accused persons were running separate Customer Service Points (CSPs) through the State Bank of India at Nirjuli, NH-415, within a distance of approximately 100 metres from each other. It further contains that the alleged incident took place due to serious misunderstanding and miscommunication between the parties and that there was no intention or motive on the part of the accused persons to commit robbery of the property of the informant. Since both the informant and the accused persons are distant relatives, and with the intervention of the elders, family members and relatives of both sides, the parties have mutually settled the dispute and resolved their differences. The Mutual Settlement further contains that the informant has categorically stated that, since the dispute has been resolved, he has no further grievance against the accused persons and does not wish to pursue the matter any further. It is further stated therein that the informant has undertaken to cooperate in making application for quashing of the proceedings before the appropriate Court.

8. Learned counsel for the petitioners submits that, under the circumstances, the dispute having been amicably settled between the parties, there is no likelihood of conviction in the case and the continuation of the trial against the accused persons would amount to harassment of both parties. It is, therefore, submitted that continuation of the proceedings would amount to an abuse of the process of law. Accordingly, learned counsel for the petitioners prays for setting aside and quashing the further proceedings in G.R. Case No. 625/2025, pending before the learned Judicial Magistrate First Class, Capital Complex, Yupia.

9. Ms. Jini, learned Additional Public Prosecutor, has conceded the submissions made by the learned counsel for the petitioners and submits that,

in view of the facts and circumstances of the case, and also considering that the parties have amicably settled the matter between themselves, the informant has no further grievance against the accused persons and does not wish to pursue the matter any further. She further submits that the allegations are also not very serious in nature. Accordingly, she has no objection if the prayer of the petitioners is allowed.

10. I have heard the learned counsels for the parties, and also perused the material available on record.

11. Considering that the parties have amicably resolved the dispute by executing Mutual Settlement dated 11.05.2026, and also taking into account that the offence alleged against the accused persons is not very serious in nature and does not affect the society at large, and under the circumstances, there is a remote chance of conviction of the accused, as such, the continuation of the criminal proceedings would serve no fruitful purpose and would only cause harassment to the parties which would amount to abuse of process of the law. In view of the above, this Court is of the opinion that the joint petition filed by the informant (petitioner No.1) and the accused persons (petitioner Nos.2 to 5) can be allowed.

12. In such cases, the Hon'ble Supreme Court in the case of ***Madhya Pradesh vs Laxmi Narayan & Ors.***, reported in ***(2019) 5 SCC 688*** as well as in several other decisions, has held that the High Court, in exercise of its inherent powers conferred under Section 498 of the Cr.P.C. (corresponding to Section 528 of BNSS, 2023) can compound the non-compoundable offences if the parties have settled the dispute and does not affect the society at large.

13. Accordingly, in view of the settlement arrived at between the parties and there being no likelihood of conviction, the petition under Section 528 of the BNSS, 2023 is allowed. The proceedings in G.R. Case No. 625/2025, arising out of Nirjuli P.S. Case No. 72/2019, registered under Sections 392/451/34 of the IPC, pending before the Court of the learned Judicial Magistrate First Class, Capital Complex, Yupia, against the accused persons, namely *Shri Nabam Naga; Shri Nabam Tadik; Shri Biki Hakap; and Shri Tarh Tango*, is hereby quashed.

14. With the above, the criminal petition stands disposed of.

JUDGE

Comparing Assistant