

GAHC040005982026

2026:GAU-AP:747



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

Case No. : Crl.Petn./101/2026

Miss Maning Baki and Anr
Daughter of Tama Baki, a permanent resident of Village Baki Street Road Line, PO
Siyum, PS Taliha, Upper Subansiri District, Arunachal Pradesh.

2: Raj Hillang
Age:
Occupation :
Daughter of Shri Hillang Rui
permanent resident of Leha Village
PO and P Doimukh
Papum Pare District
Arunachal Pradesh

VERSUS

The State of AP
through the PP of AP

Advocate for the Petitioner : Taja Garam, Byabang Mema, Gichik Kaku

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

JUDGEMENT AND ORDER (CAV)

Date on which judgment was reserved : **07.08.2026**

Date of pronouncement of judgment : **13.08.2026**

Whether the pronouncement is of the
Operative part of the judgment? : **No**

Whether the full judgment has been
pronounced? : **NA**

(Pranjal Das, J)

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

2. The instant petition has been filed under section 528 BNSS by the two petitioners being the accused (petitioner No. 1) and the informant (petitioner No. 2) respectively, seeking quashing of GR Case No. 535/2024, pending before the court of the learned CJM, Papum Pare at Yupia. It may be mentioned herein that the aforesaid case pertains to Papu Hills P.S. Case No. 24 of 2024, which was registered based on an FIR dated 07.05.2024 lodged by the petitioner No. 2 against the informant with certain allegations. It was alleged in the FIR that on that day at around 8 a.m. at the rented apartment in the area, the petitioner No. 1 as accused threw petrol and tried to burn him alive inside the bathroom when he was changing his clothes and that as a result of the incident, he sustained serious burn injuries over his body and was admitted at TRIHMS hospital, Naharlagun. It is also alleged that attack from corrosive and dangerous substances was committed upon him to disfigure him permanently. As mentioned above, the case was registered on the basis of the said FIR and investigation conducted.

3. After completion of investigation, the police submitted a charge sheet dated 17.08.2024 being C.S. No. 36 of 2024 under sections 326/285/286 IPC

against the petitioner No. 1 as the sole accused. Subsequently, however, the informant and the accused entered into a settlement dated 30.07.2024 stating that the parties were in a relationship since April, 2023 and subsequently the petitioner No. 1 as first party to the agreement came to know that the petitioner No. 2 as the second party was already married leading to misunderstanding between them to such an extent that the first party caused burn injuries to the second party resulting in lodging of the FIR and the registration of the case.

4. It is stated further in the agreement that the parties have mutually agreed to settle their disputes amicably and to record the terms of settlement. It is stated that they will refrain from any relationship and not repeat any offence failing which she will be imposed with a penalty of Rs. 20 lakhs. That, she will also bear the medical expenses of the first party and that they have amicably resolved their differences and agreed to withdraw the allegations against each other. In Para 8 of the agreement, it is stated that *both parties have agreed to file a joint petition before the High Court for quashing the FIR and consequential proceedings. Four mediators are mentioned in the agreement including Gaonburah and social worker. Further, as many as six witnesses have been mentioned in the agreement.*

5. The learned counsel for the petitioners submit that as the matter pertains to their relationship and they have entered into a settlement, no purpose will be served in continuance of the criminal proceedings and therefore, the prayer for quashing may be allowed.

6. On the other hand, Ms. Jini, Learned Additional Petitioner submits that though she does not dispute the agreement between the parties, but it cannot also be lost sight of that the offences were serious in nature during which the

victim sustained serious burn injuries.

7. I have perused the relevant materials and considered the submissions.

8. The power of the High Courts to quash criminal proceedings and exercise of inherent powers had evolved prior to the landmark decision in the ***State of Haryana & Ors. vs. Bhanjanlal & Ors.***, reported in ***1992 Supp (1) SCC 335***. However, in the said landmark decision, the law was consolidated, explained and capsulated in the form of non-exhaustive guidelines, which would justify quashing of criminal proceedings in various situations.

9. In the case of ***Gian Singh vs. State of Punjab***, reported in ***(2012) 10 SCC 303***, the Hon'ble Supreme Court discussing the exercise of inherent powers for quashing of criminal proceedings in case of non-compoundable offences pursuant to settlement between the parties – laid down certain exceptions wherein such quashing would not be justified. For ready reference, the para 58 of the said decision may be reproduced herein below –

“58. 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. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the 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 the 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 the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the 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 the victim and the offender and the 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 FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the 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.”

10. Similarly, in ***Narinder Singh vs. State of Punjab***, reported in **(2014) 6 SCC 466**, taking the law further, the Hon’ble Apex Court enunciated principles for quashing of criminal proceedings pursuant to settlement and also sounded a caveat regarding the exceptions or the situations which would not justify exercise of such powers. It was indicated that serious offences, being wrongs against society do not justify quashing of such proceedings, despite any agreement. The relevant para (s) may be noticed hereinbelow –

“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate

treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and

predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

29.6. Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may

improve their future relationship.

29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime.”

11. In the case of State of **Maharashtra vs. Vikram Anantrai Doshi**, reported in **(2014) 15 SCC 29**, the Hon’ble Apex Court discouraged quashing of proceedings pursuant to agreement in a situation where money was availed

from nationalized bank followed by financial fraud. A similar caution was sounded in ***CBI vs. Maninder Singh***, reported in **(2016) 1 SCC 389** about the limitations in exercise of such powers of quashing in economic offences. Similar principles were laid down in State of ***Tamil Nadu vs. R. Vasanthi Stanley***, reported in **(2016) 1 SCC 376**. The law on the subject was further developed in the case of ***State of Madhya Pradesh vs. Laxmi Narayan***, reported in **(2019) 5 SCC 688**. The relevant para 15 of ***Laxmi (supra)*** may be reproduced herein below –

“15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

15.1. That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.2. Such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

15.3. Similarly, such power is not to be exercised for the offences under the special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

15.4. Offences under Section 307 IPC and the Arms Act, etc. would fall in the

category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act, etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge-sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paras 29.6 and 29.7 of the decision of this Court in Narinder Singh [Narinder Singh v. State of Punjab, (2014) 6 SCC 466 : (2014) 3 SCC (Cri) 54] should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

15.5 While exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a

compromise, etc.”

12. In the case of ***Daxaben vs. state of Gujarat***, reported in **(2022) 16 SCC 117**, the Hon'ble Apex Court discussed this subject matter in detail, wherein various aspects of the matters regarding exercise of powers of quashing vis-à-vis settlement between the parties. The said decision of the Hon'ble Apex Court in ***Daxaben (supra)*** referred to various important provisions decisions of the Hon'ble Apex Court, some of which have been indicated above.

13. Thus, it is clear from the law laid down by the Hon'ble Supreme Court that the power of quashing can be exercised by this Court under 482 Cr.P.C. (now 528 BNSS). Such power can be exercised to quash non-compoundable offences as well. However, the ambit of the power of quashing is not unlimited and that certain categories of offences should not be quashed, even if there is a settlement between the parties.

14. Needless to say that in any offence, if there is a settlement between the parties, the chances of the prosecution succeeding will diminish. It would be so, even if such an agreement is void being contrary to public policy under the Indian Contract Act. In serious offences, the matter does not remain confined only to the interests of the informant or the victim and a societal interest also comes into play – on account of which the State takes up the prosecution of such serious offences.

15. Thus, in serious offences, societal interest lies in prosecution of the offenders and adequate punishment, upon being found guilty. This societal interest would prevail in addition to the interest of the informant and the victim.

Therefore, even if the informant/victim and the accused enter into a settlement, it might still be justified vis-a-vis societal interest to prosecute the offences, irrespective of the possible outcome during the trial.

16. In view of such societal interest, the exercise of jurisdiction of quashing to nip the prosecution in the bud may not be justified from the point of view of the overall interest of the criminal justice system. Thus, though the power of quashing is available with regard to non-compoundable offences as well, it is hinged by certain limitations indicated above – crystallized through the various decisions of the Hon'ble Supreme Court, some of which have been referred to above.

17. Coming back to the facts of the instant case, undoubtedly, the informant cum victim and the accused have entered into a settlement, whereupon both of them have joined as petitioners to seek quashing of the proceeding. However, it is clear from the materials that as a result of the alleged offences, the informant cum victim purportedly sustained serious burn injuries, requiring sustained treatment. A copy of the medical report has been fairly annexed by the parties with the petition. It has been mentioned there that the victim suffered 44% burns on the hands, lower abdomen and lower limb. The injuries have been labelled as grievous. Besides treatment in TRIHMS hospital, Naharlagun, he was also referred to the surgery department at Guwahati, wherein he was admitted in the ICU, as revealed from the medical report. Therefore, it is revealed from the materials *per se* that the victim sustained serious injuries, even though the dispute and the eventual alleged crime emerged out of a breakdown in their relationship.

18. Keeping in mind the principles discussed above – this Court is of the

considered view that despite the settlement arrived at between the parties, this case would not justify putting an end to the prosecution by exercising the power of quashing under Section 528 BNSS. Accordingly, in such view of the matter, the instant petition for quashing stands **dismissed** and disposed of.

JUDGE

Comparing Assistant