



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

Case No. : Crl.Petn./13/2025

Nayan Mondal and 4 Ors

Son of Mondal, represented on behalf of his minor Son Mst Vivek Mondal, a resident of Nithi Vihar, Itanagar, PO Itanagar, PS Niti Vihar, Papum Pare District, Arunachal Pradesh. 2: Nor Bahadur Thapa

Age:

Occupation :

Son of Late Khorko Bhadur Thapa

represented on behalf of his minor Son Mst Roshan Bahadur Tapha
a resident of Nithi Vihar

Itanagar

PO Itanagar

PS Niti Vihar

Papum Pare District

Arunachal Pradesh.

3: Sagar Ekke

Age:

Occupation :

Son of Shri Tasa Ekke

represented on behalf of his minor Son Mst Raj Ekke
a resident of Nithi Vihar

Itanagar

PO Itanagar

PS Niti Vihar

Papum Pare District

Arunachal Pradesh.

4: Jummi Koyu

Age:

Occupation :

Son of Late Tajum koyu

represented on behalf of his minor Son Migo koyu
a resident of Nithi Vihar

Itanagar

PO Itanagar

PS Niti Vihar

Papum Pare District

Arunachal Pradesh.

5: Viney Kumar Singh
Age:
Occupation :
Son of Shri Sohan Kumar Singh
resident of KV School Chimpu Itanagar
PO RK Mission
PS Chimpu
Papum Pare District
Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Arup Bhattacharjee, Doli Mara, G T Sangma, D ZIrdo

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 31.01.2025

- 1.** Heard Mr. Arup Bhattacharjee, learned counsel appearing on behalf of the petitioners. Also heard Mr. G. Tado, learned Additional Public Prosecutor for the State respondent.
- 2.** This application under Section 528 of the BNSS' 2023 has been filed jointly by the delinquent juveniles through their guardians, as well as by the first informant/victim, praying for quashing of the FIR arising out of Chimpu P.S. Case No. 88/2024, under Section 329 (3)/324(4)/305(C)/3(5) of the BNS 2023.
- 3.** The facts relevant for consideration of the instant Criminal Petition, in brief are that:
 - a.** On 20.12.2024, the petitioner No.5, namely, Shri Viney Kumar Singh, who is the Principal of PM Shri Kendriya Vidyalaya No.2, Itanagar had

lodged an FIR before the Officer-In-charge of Chimpu Police Station against the juvenile delinquents, who are the petitioner Nos. 1 to 4 in this Criminal Petition.

b. It has been alleged in the FIR that on 25.12.2024, the juvenile in conflict with law, who are the petitioner Nos. 1 to 4 in this case, had trespassed into the residential quarter of the petitioner No.5 and destroyed the car bearing Registration No. AS-01-S3926 and also other properties as well as committed theft of Rs. 4,000/- therefrom.

c. On receipt of the said FIR, Chimpu P.S. Case No. 88/2024 was registered.

4. The learned counsel for the petitioners has submitted that the petitioner Nos. 1 to 4 are the students and the instant joint application has been moved on their behalf by their guardians.

5. It is also submitted by the learned counsel for the petitioners that the petitioner Nos. 1 to 4 have repented for their deeds and have tendered unconditional apology from the Principal of the school i.e., the petitioner No. 5. The petitioner No. 5 considering the future prospects of the juveniles have condoned the offence and had filed an application before the Officer-In-charge of Chimpu Police Station on 30.12.2024 itself for withdrawal of the FIR.

6. However, it is submitted by the learned counsel for the petitioners that as one of the offence involved in this case is non-compoundable, the withdrawal could not be materialized. He also submits that a mutual settlement agreement has also been executed between the parties on 24.01.2025 and the guardians of the juvenile delinquents have compensated the school for the loss suffered by staff.

7. The learned counsel for the petitioners has, therefore, submitted that considering the fact that the allegation is pertaining to only theft of Rs. 4,000/- by applying the principles laid down by the Apex Court in the case of the "**State of**

Madhya Pradesh Vs. Laxmi Narayan” reported in **(2019) 5 SCC 668**, he prays for quashing the offence.

8. On the other hand, Mr. G. Tado, learned Additional Public Prosecutor has fairly submitted that as the juvenile delinquents have sought apology from the principal and have promised not to repeat the said offence again, as the matter has been compromised between the school authority and the guardians of the delinquent juveniles. There will be no fruitful purpose in keeping the criminal proceeding in a light, as it may not entail conviction in the ultimate event.

9. Considering the submissions made by the learned counsel for the petitioners, this Court is also of the opinion that considering the future prospect of the juvenile petitioners, who are in conflict with law and who are also students and also considering the fact that the matter has already been amicably settled between the school authority and the guardians of the juvenile delinquents, the powers of this Court under Section 528 of BNSS may be invoked in this case.

10. Accordingly, the said FIR lodged by petitioner No. 5 and the consequential proceedings of Chimpur P.S. Case No. 88/2024 is hereby quashed and this Criminal Petition is disposed of.

JUDGE

Comparing Assistant