

Serial No. 10
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl. Petn. No. 15 of 2023

Date of Decision: 09.03.2023

Shri. Farhan Haque & Anr. Vs. State of Meghalaya & 2 Ors.

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. P. Yobin, Adv.

For the Respondent(s) : Ms. S. Bhattacharjee, GA
Mr. S. Sengupta, Addl. Sr. GA

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

ORDER (ORAL)

1. Heard Mr. P. Yobin, learned counsel for the petitioners who has submitted that this application is filed under Section 482 Cr.P.C seeking exercise of the inherent power of this Court to quash the criminal proceedings in connection with Rynjah P.S. Case No. 126(8) of 2022.

2. The learned counsel has submitted that the petitioner No. 1 and the petitioner No. 2 are husband and wife, married on 29.08.2021 at Ranchi, Jharkhand in accordance with Islam Personal Laws. However, after the

marriage, due to the fact that the petitioner No. 2/wife is pursuing her postgraduate course in medicine from NEIGRIHMS, Shillong the parties are staying separately in different cities.

3. Owing to some personal differences between the petitioners herein, their relationship got disturbed to the extent that the petitioner No. 2 out of anger lodged a police complaint before the Rynjah Police Station alleging demand of dowry, harassment and cruelty against the petitioner No. 1. The case was registered as Rynjah P.S. Case No. 126(8) of 2022 under Section 4 of the Dowry Prohibition Act, 1961.

4. The learned counsel has further submitted that in course of time, the parties have buried their differences and are now living peacefully with no grievance against each other. The petitioner No. 2 therefore does not wish to pursue with the criminal proceedings and investigation in the said Rynjah P.S. Case No. 126(8) of 2022.

5. To express the desire for quashing of the criminal proceedings aforementioned, the parties have executed a compromise deed dated 23.02.2023, voluntarily and on mutual consent indicating that the said complaint was filed after a heated exchange of words owing to misunderstanding and on realizing and regretting her mistake, the first party therein being the wife of the petitioner No. 1, has decided to bury their differences for the sake of a peaceful and congenial relationship between the parties.

6. The learned counsel has further submitted that on the above premise, the proceedings of the said Rynjah P.S. Case No. 126(8) of 2022 may be put to a stop and quashed so as not to cause unnecessary hardships to the parties

concerned.

7. It is also submitted that the relevant provision of Section 6 under the Dowry Prohibition Act being non-compoundable, this Court in exercise of its inherent power to meet ends of justice, may be pleased to allow this petition and to quash the said proceedings mentioned above.

8. The learned counsel has also referred to the following authorities in support of his arguments

- i. Gian Singh v. State of Punjab & Anr.: (2012) 10 SCC 303, para 61;
- ii. Ramgopal & Anr. v. State of Madhya Pradesh: 2021 SCC Online SC 834, para 13
- iii. Narinder Singh & Ors. v. State of Punjab & Anr.: (2014) 6 SCC 466, para 29, 29.1, 29.2, 29.3 and 29.4.

9. Ms. S. Bhattacharjee, learned GA appearing for the State respondent has produced the case diary of Rynjah P.S. Case No. 126(8) of 2022 and has submitted that the Investigating Officer (I/O) had also reported that the parties have met and have mutually agreed to solve their differences in a peaceful manner and there is no longer any rift in their relationship. The petitioner No. 2/wife has also indicated that she no longer wish to proceed with the investigation of the case.

10. On consideration of the submission made by the parties and on perusal of the petition which was jointly filed by the accused/husband and the complainant/wife on affidavit and coupled with the fact that the deed of compromise wherein the parties have resolved to settle their difference

amicably and are now living together peacefully have also been annexed in this petition, this Court is of the considered opinion that a case has been made out for quashing of the said FIR and the criminal proceedings in Rynjah P.S. Case No. 126(8) of 2022.

11. The authority cited by the learned counsel for the petitioner, that is, para 61 of the Gian Singh case would show that the Hon'ble Supreme Court has observed that the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings when there is a settlement or compromise between the victim and the wrong doer, the answer to this question should be in the affirmative.

12. In the case of Ram Gopal (supra) at para 13 the Hon'ble Supreme Court has observed that even in criminal proceedings where the trial has already been concluded or appeal stands dismissed against conviction, if the offences involved are non-heinous or are predominantly of a private nature, such proceedings can be annulled by resorting to the exercise of powers under Section 482 Cr.P.C.

13. Similarly, in the case of Narinder Singh (supra) at para 29.2 of the same the Hon'ble Supreme Court has held that:

“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.*

14. In view of the above, this Court in conclusion, is convinced that the parties have made out a case for quashing of the FIR dated 02.08.2022 and the consequent proceedings in Rynjah P.S. Case No. 126(8) of 2022.

15. This petition is accordingly allowed. The FIR and the subsequent proceedings in Rynjah P.S. Case No. 126(8) of 2022 is hereby quashed.

16. Registry to send back the case diary.

17. Petition disposed of. No costs.

Judge

Meghalaya
09.03.2023
"Tiprilynti-PS"

