

Serial No. 03
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn. No. 53 of 2023

Date of Order: 06.07.2023

Shri. Shahajol Abdein & 3 Ors. Vs. State of Meghalaya & Anr.

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	:	Ms. M.L. Tlau, Adv.
For the Respondent(s)	:	Mr. S. Sengupta, Addl. PP.
		Mr. H. Kharmih, Addl. PP.
		Mr. K.P. Bhattacharjee, GA. for R 1.
		None for R 2.

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

ORAL:

1. Heard Ms. M.L. Tlau, learned counsel for the petitioners as well as Mr. S. Sengupta, learned Addl. PP appearing on behalf of the State respondent No. 1.

2. The genesis of the matter leading to the filing of the criminal case before the Court is that on 06.07.2022 at about 10:00 AM, the son-in-law of the respondent No. 2 herein accosted the petitioner No. 4, abused her and also tried to assault her. In the meantime, the petitioner No. 1, 2 & 3 came

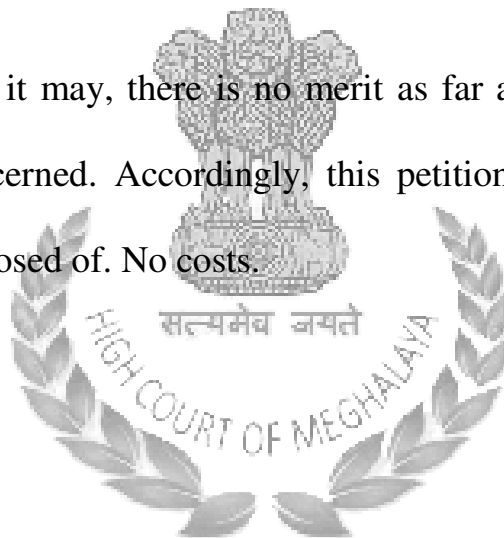
to the scene in an attempt to protect the petitioner No. 4. After the incident, they came to know that the respondent No. 2 herein had lodged an FIR dated 07.07.2022 against the petitioners and the two sons of the petitioner No. 4, alleging that the petitioners herein have assaulted and threatened her son-in-law. On receipt of such complaint, the police have acknowledged the FIR and accordingly, Hallidayganj P.S. Case No. 7 (7) of 2022 under Section 341/506/34 IPC was registered and investigation was launched.

3. The Investigating Officer (I/O) in due course, filed his report and charge sheet, wherein he has opined that a case is well made out against the accused persons/petitioners herein under Section 341/506/34 IPC and they are accordingly directed to stand trial before the competent court of jurisdiction. The stage of the case is fixed for supply of copies to the accused persons therein who are the petitioners herein.

4. The learned Addl. PP has submitted that the procedure as far as the said case is concerned, has been conducted in accordance with the provisions of law and the trial has proceeded accordingly. The petitioners have to prove their innocence in due course and as such, to scuttle the proceeding at this point of time may not be for ends of justice and it will only frustrate due administration of criminal justice. It is therefore prayed that this petition may be dismissed and the petitioners be directed to join trial.

5. On consideration of the submission made and on perusal of the petition in hand, this Court has observed that the investigation into the case has proceeded in right earnest, materials have been collected against the petitioners, which has to be proved in course of trial and as such, it would not be proper for this Court at this point of time to short circuit the proceedings and to allow this petition which would, in effect be considered a dismissal in their favour without any evidence having been adduced in the case.

6. Be that as it may, there is no merit as far as the prayer made in this petition is concerned. Accordingly, this petition is hereby dismissed and the same is disposed of. No costs.



Judge

Meghalaya
06.07.2023
"D. Nary, PS"