

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl. Petn. No. 23 of 2024

Date of Order: 13.05.2024

Shri Levingstone T. Sangma
S/o(L) Sotish W. Momin,
R/o Balsrigittim Williamnagar
East Garo Hills District, Meghalaya.
::::Petitioner

Vs. **1.**State of Meghalaya represented by
Chief Secretary Government of
Meghalaya, Shillong East Khasi Hills

2.The Accountant General (A &E)
East Khasi Hills, Shillong Meghalaya.

3. The Office of the Senior Treasury
Officer East Garo Hills Williamnagar
Meghalaya.

4. Smti. Terisa A. Sangma
W/o. Livingstone T. Sangma
R/o Balsrigittim, Williamnagar.
East Garo Hills District Meghalaya.
:::: Respondents

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. P. T. Sangma, Adv.
For the Respondent(s) : Mr. S. A. Sheikh, GA. (R: - 1 & 3).
Ms. E. B. Passah, Adv. (R: - 2).
Ms. A. A. Sangma, Adv. (R: - 4).

ORDER(ORAL):-

Heard learned counsels appearing for the parties.

The petitioner and the respondent No.4 are husband and wife. It appears that a maintenance case under Section 125 Cr.P.C being CR Case

No. 9 of 2022 stood filed by the respondent No.4 against the petitioner seeking grant of maintenance allowance from the petitioner. It is submitted by the parties that the said maintenance case was ultimately compromised by the parties and an order dated 05-09-2022 was passed by the learned Trial Court disposing of the matter on the basis of the compromise. Subsequently, some of the stipulations made in the order of compromise dated 05-09-2022 stood modified by another order dated 05-03-2024.

The petitioner in the present criminal petition before this Court contends that the compromise basing on which the order dated 05-09-2022 was passed, was obtained by fraud and for the said reason an application dated 15-04-2024 has been filed by the petitioner before the Trial Court for modification/recalling of the order of compromise. It is submitted that the learned Trial Court has refused to register and take into record the said application of the petitioner and also refused to pass any order without even allowing the petitioner to place his case for modification of the order dated 05-09-2022.

Ms. A. A. Sangma, learned counsel appearing for the respondent No.4 submits that she is not in a position to refute the contention made by the petitioner as it is between the petitioner and the Trial Court. However, the learned counsel in her usual fairness submits that the respondent No.4 will not have any objection if, in case, the application filed by the petitioner is taken into consideration by the Trial Court and decided on merit.

Mr. S. A. Sheikh, learned GA appearing for the State-respondents No.1 & 3 submits that State has no role to play in the matter and endorses the submission made by the learned counsel appearing for the respondent No.4.

In view of the above, this application is disposed of with a direction to the Trial Court to take into record and register the application, if any, filed by the petitioner seeking modification of the compromise order dated 05-09-

2022 and, thereafter, dispose of the same after giving due notice to the respondent No.4 and after hearing the parties in accordance with law.

It is made clear that this Court has not gone into the merits of the contention raised by the petitioner in this application and the learned Trial Court will be at liberty to take its independent view on the merits of the plea raised by the petitioner.

With the aforesaid, this criminal petition stands disposed of.

Judge

Meghalaya
13.05.2024
"Biswarup PS"