

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl. Petn. No. 51 of 2023

Date of Order: 23.05.2024

1.Shri. Loknath Dahal
Son of Shri. Tika Ram Dahal

Vs. 1.State of Meghalaya represented by
The Secretary, Government of
Meghalaya Home (Police)
Department, East Khasi Hills District
Meghalaya

2. Smti. Sonia Sharma,
Wife of Shri. Koknath Dahal.

Both resident of Tumin Dhanbari,
East Sikkim Gangtok.

2. Investigating Officer
Laban Police Station, East Khasi
Hills District, Meghalaya.

::::Petitioners.

:::: Respondents.

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. K. Ch. Gautam, Adv.

For the Respondent(s) : Mr. R. Gurung, GA.
Mr. J. Thabah, GA.
Ms. S. Shyam, GA.

ORAL:-

Heard Mr. K. Ch. Gautam, learned counsel appearing for the petitioner and also Mr. R. Gurung, learned GA appearing for the State-respondent.

This is an application under Section 482 Cr.P.C. seeking quashing of the criminal proceeding of G.R Case No. 3 (S) of 2018 under Section

498(A)/406/506/497 Indian Penal Code read with Section 4 of the Dowry Prohibition Act pending before the Court of Judicial Magistrate, Shillong, on the basis of compromise/settlement arrived into between the parties involved therein.

The brief fact of the case is that on 21-03-2021, the petitioner No.2 lodged a written FIR before the Officer-in-Charge, Laban Police Station, Shillong to the effect that the petitioner No.1 has tortured her physically and mentally and continuously demanded money from her in the guise of starting a business. It is also alleged that the petitioner No.1 was also having an extramarital affair outside their marriage. On the basis of the said FIR, the police registered a case against the petitioner No.1 as Laban P.S Case No.10(1) 2017 under Section 498(A)/406/506 IPC read with Section 4 of the Dowry Prohibition Act. Upon completion of the investigation, the matter was charge-sheeted vide charge-sheet No. 55 /2017 dated 30-11-2017 and forwarded to the concerned Court for taking cognizance.

It is submitted by Mr. K. Ch. Gautam, learned counsel appearing for the petitioner that during the pendency of the aforesaid case, the petitioners have settled the dispute between them and have come to a mutual understanding and realized that the matter was unnecessarily blown out of proportion. A compromise deed dated 25-04-2023 was also executed between the parties. In the said deed of compromise, it was specifically recorded that the parties thereto, after elaborate deliberation and discussion and on proper understanding of the matter, in sound mind and good health, have decided not to pursue the G.R Case No. 3 (S) of 2018 and to take all the necessary steps for getting the matter closed. It is submitted that since the offence alleged in the said case is not compoundable, the petitioners, having no other alternative, have approached this Court under Section 482

Cr.P.C. seeking quashing of the entire proceeding of the said case. To impress upon this Court about the scope and ambit of power under Section 482 Cr.P.C. in quashing criminal proceeding on the basis of settlement/compromise, the learned Counsel for the petitioner has placed reliance on the following decisions: -

- i) *Crl. Petn No.15 of 2023; Shri. Farhan Haque & Anr. Versus State of Meghalaya.*
- ii) *2023 LiveLaw (SC) 74; Rangappa Javoor versus State of Karnataka & Anr.*
- iii) *(2014) 6 SCC 466; Narender Singh & Ors. Versus State of Punjab & Anr.*; Relevant paragraphs 29, 29.1, 29.2, 29.3 & 29.4.
- iv) *(2012) 10 SCC 303; Gian Singh versus State of Punjab & Anr.*; Relevant paragraph 61.
- v) *(2003) 4 SCC 675; B.S Joshi & Ors. Versus State of Haryana & Ors.*; Relevant paragraph 12.

Mr. R. Gurung, learned GA appearing for the State-respondent submits that he has received instruction with regard to the genuineness of the settlement between the petitioner No.1 & petitioner No.2 and as per his instruction, parties have entered into the compromise voluntarily of their free-will. The learned GA submits that since the matter involves personal dispute between the petitioners, the State will not have any objection if the proceeding of the said G.R Case No. 3 (S) of 2018 is quashed.

The proposition of law laid down in the decisions relied on by the learned Counsel appearing for the petitioner empowers the High Court in exercises of jurisdiction under Section 482 Cr.P.C to quash the proceeding on the basis of settlement arrived into between the parties in case the settlement is found to be genuine and acceptable and the offence alleged is not heinous in nature. It also emerges from the proposition laid down

therein that the High Court must consider whether it would be unfair and contrary to the interest of justice to continue with the criminal proceeding when there is a settlement or compromise between the victim and the wrongdoer.

Upon perusal of the material on record, it transpires that pursuant to the institution of the case, the petitioners of their free-will, voluntarily settled the matter and have entered into an agreement by executing the deed of compromise dated 25-04-2024. A copy of the said compromise deed is annexed with this application and the same has been gone through by this Court. It appears that the parties have settled the matter between them without any undue influence, fraud or coercion from any of the parties thereto.

In view of the facts and circumstances of the case, as it appears from the material on record, and also in view of the submissions advanced by the respective parties, this Court is of the opinion that the petitioners have made out a case for quashing of the FIR dated 23-01-2017 and the entire proceeding of G.R Case No.3(S) of 2018 under Section 498(A)/406/506/497 Indian Penal Code read with Section 4 of the Dowry Prohibition Act pending in the Court of Judicial Magistrate, Shillong. Consequently, the entire proceeding of the said case is hereby set aside and quashed.

This criminal petition stands allowed.

Judge

Meghalaya
23.05.2024
"Biswarup PS"