



Serial No. 18
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl. Petn. No. 33 of 2024

Date of Decision: 19.08.2024

1. Shri Gesper Langstieh
S/o. Shri S. Marbaniang,
R/o. Mawngap (Mawkharshiing)
East Khasi Hills District, Meghalaya

Vs. 1. State of Meghalaya, Rep. by
The Secretary Department of
Home (Police), Government of
Meghalaya.

2. Smti Mumskiolin Jana
W/o. Shri ElianPyngrope,
R/o. Nongrah, PS, Rynjah, Shillong
East Khasi Hills District, Meghalaya

2. The Superintendent of Police
East Khasi Hills District,
Meghalaya.

.... Petitioners

.... Opposite Parties

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. S. Kumar, Adv.

For the Respondent(s) : Mr. S. Kumaresan, AAG with
Mr. J.N. Rynjah, GA.

JUDGMENT

1. This is an application under Section 482 Cr.PC for quashing of GR Case No.65 of 2015 arising out of Shillong Sadar PS Case No. 24(02)2015 under Section 354/354A/323/506 IPC pending before the Subordinate District Council Court, Shillong on the basis of a



compromise/settlement between the petitioner No.1 and the petitioner No.2.

2. The brief fact of the case is that a written FIR dated 31.01.2015 was lodged by the petitioner No.2 alleging that the petitioner No.1 had misbehaved and assaulted her and her sister at Jamballa point near Mawngap Taxi Stand, Bara Bazar, Shillong on 31.01.2015. On the basis of the FIR, the Shillong Sadar PS Case No. 24(02)2015 under Section 354/354A/323/506 IPC was registered and investigated into. On the completion of the investigation, a charge sheet vide C/S No. 27/2015 dated 03.03.2015 was filed and a criminal proceeding under the aforesaid section of law was initiated against the petitioner No.1 in the Subordinate District Council Court, Shillong. During the pendency of the matter, the dispute between the parties has been settled and a compromise/settlement dated 09.04.2024 was entered into between the petitioner No.1 and 2.

3. The learned counsel for the petitioners submits that the petitioners have settled the matter amicably and voluntary without any force, threat or coercion and do not want to disturb the peaceful and harmonious atmosphere being the members of the same community as well as same place of work. He submits that the FIR was lodged due to some misunderstanding and difference between the petitioners which has now been resolved. The dispute was purely personal and private without having any bearing in the society. He further submits that continuance of the criminal proceeding in the matter may not be in the best interest of justice rather may be detrimental to existence of harmonious and peaceful relation between the petitioner No.1 and 2. The learned counsel submits that since Section 354/354A IPC are non-compoundable, the petitioners



have no other option but to approached this Court for giving effect to the compromise/settlement arrived into between the parties. He places reliance on the decisions of the Apex Court reported in (2014) 6 SSC 466, *Narinder Singh & Ors. vs State of Punjab & Anr.*, (2014) 9 SSC 653, *Yogendra Yadav & Ors. vs. State of Jharkhand & Anr.* and (2022) 14 SCC 531, *Ramgopal & Anr. vs. State of Madhya Pradesh* and submits that High Court has the power and authority under Section 482 Cr.PC to quash proceeding on the basis of settlement, even if the offence charged with are non-compoundable.

4. The learned AAG appearing for the State does not dispute the settlement between the petitioner No.1 and 2. He also does not dispute the proposition of law cited by the petitioner and in his usual fairness has left the matter on the discretion of this Court.

5. A perusal of the material on record reveals that due to some dispute and differences between petitioner No.1 and 2, the FIR dated 31.01.2015 was filed by the petitioner No.2 against the petitioner No.1. The allegations made in the FIR as well as the narration of facts made in the charge sheet does not show involvement of any serious offence in the matter. The occurrence in question is found purely personal without projection of any mental depravity of the petitioner No.1. The compromise deed dated 09.04.2024 between the petitioner No.1 and 2 makes it clear that the parties have settled their grievances amicably without any force, coercion, threat, lure and undue influence from any quarter.

6. This Court is convinced that the offences involved in the present matter are entirely personal in nature and do not affect public peace or



tranquility. Furthermore, there is enough indication that the quashing of the criminal proceeding will advance peace, harmony and would secure ends of justice as the parties have decided to forget and forgive ill will and have no vengeance against each other.

7. The citations relied upon by the learned counsel for the petitioners clearly lay down that the High Court under Section 482 Cr.PC can quash criminal proceedings in exercise of its inherent powers, even if the offences are not compoundable.

8. In view of the settled position of law and discussions made above, the further proceeding of GR Case No. 65 of 2015 arising out of Shillong Sadar PS Case No. 24(02)2015 under Section 354/354A/323/506 IPC pending before the Subordinate District Council Court, Shillong is hereby quashed.

9. The criminal petition stands allowed.

Judge

Meghalaya
19.08.2024
"N.Swer, Stenographer, Gr-II"