



Serial No. 03
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl. Petn. No. 45 of 2024

Date of Decision: 23.08.2024

1. Shri Sparlington Thongni 2. Shri Welson Thongni 3. Shri David Thongni All sons of Shri Donkupar Shangpliang R/o. Madanrting Thembasuk, Shillong East Khasi Hills District, Meghalaya. 4. Shri Tenzin Tsenten, S/o. Smti Pema Tsethar. 5. Shri Anshuman Thapa, S/o. (L) T.B. Thapa. 6. Shri Manoj Gurung, S/o. Shri Sachin Gurung. All residents of Happy Valley, Shillong East Khasi Hills District, Meghalaya	Vs.	State of Meghalaya, Rep. by Secretary, Government of Meghalaya, Home (Police) Dept. East Khasi Hills District, Meghalaya.
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.... Petitioners

.... Respondent.

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s)	:	Mr. S. Marpan, Adv.
For the Respondent(s)	:	Mr. K. Khan, AAG with Mr. S. Sengupta, Addl. Sr. GA.

J U D G M E N T (ORAL)

1. By this application, the petitioners are seeking quashing of the FIR



dated 27.08.2023 lodged by the petitioner No.1 registered as Madanrting PS Case No. 86(8) of 2023 under Section 323/324/34 IPC and the subsequent proceeding resultant thereto, bearing GR Case No. 94(A) 2023 pending before the court of The Judicial Magistrate First Class, Shillong.

2. The brief fact of the case is that a written FIR dated 27.08.2023 was lodged before the Officer-In-Charge of Madanrting Police Station, Shillong by the petitioner No. 1 to the effect that his brothers i.e, the petitioner No. 2 and 3 were physically assaulted by the petitioners No. 4, 5 and 6 at around 7:30 PM on 26.08.2023. On the basis of the said FIR, the Madanrting PS Case No. 86(8)2023 under Section 323/324/34 IPC was registered against the petitioners No. 4, 5 and 6 and the matter was investigated into. On completion of the investigation, a charge sheet bearing No. 30/2023 dated 20.08.2023 was filed under the aforesaid Sections of law basing on which GR Case No. 94(A) 2023 was initiated against the petitioners No. 4, 5 and 6. During the course of the investigation, the matter was compromised between the parties and a compromise deed dated 11.09.2023 was executed between the petitioner No. 1 and the petitioner No.4 and a petition dated 13.09.2023 for withdrawal of the FIR was also filed. Despite the compromise, the charge sheet was filed and the matter proceeded against the petitioners No. 4, 5 and 6. The petitioners have also filed a joint application before the Trial Court with a prayer to compound the offences, but the learned Trial Court vide order dated 02.05.2024 was not inclined to allow such prayer on the ground that Section 324 IPC is non-compoundable. The petitioners have earlier approached this High Court under Section 482 Cr.PC by filing the Criminal Petition No. 34 of 2024, however, the same was withdrawn on



15.07.2024 with a liberty to file afresh as the petitioners No. 2, 3, 5 and 6 were not signatories to the compromise deed. To affirm the settlement already arrived at in the previous compromise deed, the petitioners have jointly executed a fresh deed of settlement/compromise dated 24.07.2024 and thereafter have approached this Court by way of this present petition seeking quashing of the FIR and the proceeding pending before the Trial Court.

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 existence of present peaceful and harmonious atmosphere between them. He submits that all the petitioners were of very young age at the time of the alleged incident and the FIR was lodged due to some misunderstanding and difference between the petitioners which has now been resolved. He submits that the dispute referred to in the FIR 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 petitioners. The learned counsel submits that considering the adverse impact which might result in from the continuation of the further proceedings of the criminal case, the petitioners have no other option but to approached this Court for giving effect to the compromise/settlement arrived at between the parties. In the fact and situation of the matter, he prays that the proceeding before the Trial Court may be quashed.

4. Mr. K. Khan, learned AAG appearing for the State respondent has



no objection to the prayer made on behalf of the petitioners.

5. In the decision of *Gian Singh Vs. State of Punjab*, (2012) 10 SCC 303 and *Narinder Singh & Ors. Vs. State of Punjab & Anr.* (2014) 6 SCC 466, the Apex Court held that under Section 482 Cr.PC, the High Court has inherent power to quash the criminal proceeding even in those cases which are not compoundable, where the parties have settled the matter between themselves except in cases which involve heinous and serious offence of mental depravity or offence like murder, rape, dacoity, etc. and such offences, which are not private in nature and have a serious impact in society.

6. A perusal of the material on record of the present matter reveals that due to some short-term dispute and differences between petitioners, the FIR dated 27.08.2023 was filed by 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. There is nothing to show that the incident alleged in the FIR has resulted in causing any grievous hurt to anyone. The narration of incident in the FIR and the charge sheet in question is found purely personal without projection of any mental depravity on the part of the petitioners No. 4, 5 and 6. The compromise deed dated 24.07.2024 executed and signed by all the petitioners makes it clear that the parties have settled their grievances amicably without any force, coercion, threat, lure and undue influence from any quarter. In the compromise, it is also agreed between the parties that they shall at all times maintain peace and cordial relation among each other and further undertook not to stir or create any communal hatred against each other in any manner.



7. Since the allegation made in the matter does not involve any serious and heinous offence, keeping in mind the law laid down by the Apex Court in the decisions aforementioned, the petitioners have made out a case for quashing of the proceeding pending before the Trial Court.
8. In view of the above, the further proceeding of the G.R. Case No. 94(A) 2023 under Section 323/324/34 IPC pending before the court of The Judicial Magistrate First Class, Shillong arising out of FIR dated 27.08.2023 lodged by the petitioner No.1 is hereby quashed.
9. The criminal petition stands allowed.

Judge

Meghalaya

23.08.2024

"N.Swer, Stenographer, Gr-II"