



Serial No.17
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl. Petn. No. 51 of 2024

Date of Order: 11.11.2024

Shri. Ojrin Mangu,
S/o. (L) S. Laloo,
R/o. Tyrso, Nongkhyllep,
Mawlasnai, Ri-Bhoi District
Meghalaya.

Vs. 1.State of Meghalaya, through the
Commissioner & Secretary to the
Government of Meghalaya, Home
(Police), Civil Secretariat, Shillong,
Meghalaya.

2. Shri. Harlin Laloo
S/o. (L) K. Masharing,
R/o. Tyrso, Nongkhyllep,
Mawlasnai, Ri-Bhoi District
Meghalaya.

.....Respondent.

2. Shri. Andrias Kharsyntiew,
S/o Bin Nongsiej,
R/o. Mawiambei Umdohthli village,
Mawlasnai, Ri-bhoi District,
Meghalaya.

3. Shri. Ban Laloo
S/o. (L) K. Masharing,
R/o. Tyrso, Nongkhyllep,
Mawlasnai, Ri-Bhoi District
Meghalaya.

**.....Proforma Respondent/
Complainant.**

4. Shri. Bian Sten,
S/o. (L) T. Shadap,
R/o. Tyrso, Nongkhyllep,
Mawlasnai, Ri-Bhoi District
Meghalaya.

5. Shri. Estanding Lamare
S/o. (L) A. Teron,
R/o. Tyrso, Nongkhyllep,
Mawlasnai, Ri-Bhoi District
Meghalaya.

6. Shri. Bisnoi Mujai
S/o. (L) T. Laloo,
R/o. Tyrso, Nongkhyllep,



Mawlasnai, Ri-Bhoi District
Meghalaya.

7. Shri. Shanbok Shadap,
S/o. (L) N. Muktieh,
R/o. Tyrso, Nongkhyllep,
Mawlasnai, Ri-Bhoi District
Meghalaya.

8. Shri. Rojen Sten
S/o. (L) B. Shadap,
R/o. Tyrso, Nongkhyllep,
Mawlasnai, Ri-Bhoi District
Meghalaya.

9. Shri. Dret Masynting,
S/o. (L) R. Bakhor,
R/o. Tyrso, Nongkhyllep,
Mawlasnai, Ri-Bhoi District
Meghalaya.

.... Petitioners/Accused.

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

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

For the Respondent(s) : Mr. A. Kharwanlang, Addl. Sr. PP with
Mr. J. N. Rynjah, GA (R: 1).
Mr. H. Nongkhlaw, Adv. (R: 2).

ORAL:-



Heard Mr. K. Sunar, learned Counsel appearing for the petitioner also Mr. A. Kharwanlang, learned Addl. Sr. GA for the State-respondent No.1 and Mr. H. Nongkhalw, learned Counsel appearing for the respondent No.2.

This is an application under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of the FIR dated 18-04-2008 and the proceeding of the Sessions Case No. 28 of 2016 arising out of Umiam P.S. Case No. 19(4)/2008 under Section 447/427/436/34 IPC pending before the Court of the Sessions Judge, Nongpoh Ri-Bhoi District, Meghalaya.

The brief fact of the case is that an FIR dated 18-04-2008 was lodged by the respondent No.2, the headman of Mawiambei Umdohthieh village, alleging destruction of crops by a group of people from Tyrso Nongkhyllap, Mawlasnai Village under the leadership of the petitioner No.1. On the basis of the FIR, the Umiam P.S. Case No. 19(4)/2008 was registered against the petitioners and the matter was investigated into. Upon completion of the investigation a charge-sheet bearing No. 13/2010 dated 08-03-2010 was filed against the petitioners under Section 447/427/436/34 IPC and the petitioners were made to face trial in the Sessions Case No.28 of 2016 under the aforesaid Sections of law. It is stated that the said criminal case is pending for recording of statement under Section 313 Cr.PC. It appears that the petitioners and the respondent No.2 in the meantime have entered into a compromise agreement dated 23-05-2024 and settled the matter amicably leaving behind no grievance against each other. The case of the petitioner before this Court is that since Section 436 IPC is not compoundable, the settlement/ compromise could not be acted upon by the learned Trial Court and the petitioners having no other option are compelled to approach this Court seeking quashing the entire proceeding against them.



Mr. K. Sunar, learned Counsel appearing for the petitioners submits that the entire conflict had arisen out of a boundary dispute between the people residing in Mawiambei Umdohthli Village and the resident of Tyrso Nongkhyllap village. The learned Counsel further stated that in relation to the boundary dispute between the two villages, a title suit bearing Title Suit No. 2 of 2007 was instituted before the Subordinate District Council Court, Shillong which was disposed of on the basis of the compromise arrived at between the parties vide order dated 02-05-2017. The learned Counsel has also drawn attention of this Court to a deed of compromise between the parties executed on 23-05-2014 wherein the parties thereto of their own free will have decided to brush aside the existing dispute between them and to settle the criminal case pending before the Sessions Judge at Nongpoh. Relying on the decision of the Apex Court reported in *(2012) 10 SCC 303, Gyan Singh Versus State of Punjab and Another*, the learned Counsel submits that the High Court is empowered under Section 482 Cr.PC to quash criminal proceeding even which are not compoundable on the basis of the compromise/settlement entered into between the parties. The learned Counsel further submits that no meaningful purpose would be served if the criminal proceeding is allowed to continue and the same may be quashed.

Mr. A. Kharwanlang, learned Addl. Sr. PP appearing for the State-respondents submits that since the matter is confined to the dispute between the two rival villages and they have decided to settle the matter voluntarily, State has no objection to the quashing of the criminal proceeding on the basis of the compromise.

Mr. H. Nongkhlaw, learned Counsel appearing for the respondent No.2 supports the submission made by the learned Counsel for the petitioners and further acknowledges that a settlement/compromise has



indeed been arrived at between the rival parties and the respondent No.2 is no longer willing to press any charges against the petitioner.

Perusal of the materials on record reveals that there was a title suit pending between the petitioners and the respondent No.2 in connection with the boundary dispute which was disposed of on the basis of the compromise/settlement by order dated 02-05-2017 passed in Title Suit No.2 of 2007 by the Subordinate District Council Court, Shillong. The allegation made in the FIR projects that the allegation was in respect of destruction of crops by the petitioners and not in relation to any physical harm being caused to any individual. There is nothing on record to show that because of the action of the petitioners, any serious injury was caused to any individual and there still exists any threat of causing further harm. The submission advanced by the learned Counsel for the petitioners and the respondent No.2 make it clear that at present there exists no dispute between both the villages, more particularly, the petitioners and the respondent No.2 and they have now settled the difference between them on the basis of the deed of compromise/settlement.

It is clear from the decision of *Gyan Singh (supra)* cited by the learned Counsel for the petitioners that the High Court has inherent power to quash a criminal proceeding even in those cases which are not compoundable under Section 320 Cr.PC, but such power has to be exercised sparingly and with great caution to ensure ends of justice or to prevent the abuse of process of any Court.

In the present matter, since the dispute was between two villages and not private individuals, the compromise/settlement between the parties would definitely lead to existence of good neighborhood relationship between the inhabitants of the villages. Furthermore, the



compromise/settlement between the parties will also help the villagers to live in peace and harmony. That apart, since the State-respondent has no objection to the settlement /compromise arrived at between the parties, a case has been made out to interfere with the proceeding pending before the learned Sessions Court, Nongpoh.

In view of the reasons and discussions above, the FIR dated 18-04-2008 in Umiam P.S. Case No. 19(4)/2008 and the proceeding in Sessions Case No.28 of 2016 under Section 447/427/436/34 IPC pending before the learned Sessions Judge, Nongpoh stands quashed.

This criminal petition stands allowed.

Judge

Meghalaya
11.11.2024
“Biswarup PS”