

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl. Ptn. No.111 of 2023

Date of Order: 23.02.2024

Shri. Tashi Duchok & Anr.

Vs. State of Meghalaya & 2 Ors.

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. G. Yobin, Adv.

For the Respondent(s) : Mr. H. Kharmih, Addl. Sr. GA.

(JUDGMENT AND ORDER)

Oral:-

Heard Mr. G. Yobin, learned counsel appearing for the petitioner and also Mr. H. Kharmih, learned Addl. Sr. GA appearing for the State-respondent.

This is an application filed under Section 482 Cr.P.C. for quashing of the Rynjah P.S Case No. 37 (3) 2023 under Section 354A (i) IPC registered as G.R Case No. 26 (A) of 2023, pending before the Judicial Magistrate First Class, Shillong on the basis of a deed of compromise entered into between the petitioner No.1, the accused and the petitioner No.2, the complainant.

The petitioner No.2 as complainant filed an FIR dated 25-03-2023 before the Women Police Station, Itanagar, Arunachal Pradesh against the petitioner No.1. The said FIR was registered as the Rynjah P.S Case No. 37 (3) 2023 under Section 354A (i) IPC on being forwarded for

investigation by the appropriate police station. On the conclusion of the investigation, the case was charge-sheeted vide charge-sheet No. 10/2023 dated 12-05-2023 under Section 354A (i) IPC.

Mr. G. Yobin, learned counsel appearing for the petitioner submits that the petitioners No.1 & 2 have compromise the matter and executed a deed of compromise dated 18-09-2023. The learned Counsel has drawn attention of this Court to the various clauses of the compromise deed and submits that the parties thereto have voluntarily decided to settle the dispute between them on the intervention of the family members of the respective parties who are well-known to each other. He submits that the acceptance of the compromise by this Court would bring about peace and secure ends of justice and continuation of the criminal proceeding in the present case will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored. The learned counsel submits that Section 354A IPC is not a compoundable offence and in such a situation petitioner have no other option but to approach this Court by invoking its inherent jurisdiction under Section 482 Cr.P.C. In support of his contention, the learned counsel placed reliance on the decision of the Apex Court in (2012) 10 SCC 303, *Gian Singh versus State of Punjab and Another* and the decision of the High Court of Madhya Pradesh rendered in *Misc. Criminal Appeal Case No. 11022 of 2021, Dr. Sover Dhakad versus The State of Madhya Pradesh & Ors.*

Mr. H. Kharmih, learned Additional Senior GA has produced the copy of a letter written to the Investigating Officer in the present case by the complainant (petitioner No.2) wherein it was reflected that the parties have arrived at a settlement vide compromise deed dated 8th September, 2023 and the petitioner No.2 does not have any desire to pursue the matter. (The copy of the said letter is made part of the record and marked and 'X' for identification).

The Apex Court in the case of Gian Singh (supra) at paragraph 58 has held that: -

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission the Court. In respect of serious offences like murder, rape, dacoity etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in the capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the fact of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.”

In the light of the proposition laid down by the Apex Court and considering the facts of the present case and also the settlement arrived between the parties, this Court is satisfied that the offence involved in the matter is entirely personal in nature and, therefore, do not affect public peace and tranquility. It also appears that the compromise attained would bring about peace and secure ends of justice. Moreover, there is hardly any likelihood of the offender being convicted and not by quashing the criminal proceeding, justice shall be casualty and ends of justice defeated.

Resultantly, the entire proceeding of the Rynjah P.S Case No. 37 (3) 2023 under Section 354A (i) IPC registered as G.R Case No. 26 (A) of 2023, pending before the Judicial Magistrate First Class, Shillong stands quashed.

This Criminal petition is allowed.

Judge

Meghalaya
23.02.2024
"Biswarup PS"