



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn. No. 2 of 2025

Date of Decision: 20.02.2025

1. Shri. Sanjay Kabra,
Son of (L) M.L. Kabra,
Resident of C-48, Amba-Bari,
Jaipur, Rajasthan,
Proprietor of M/s Raghav Steels having
its office at 4th Floor, Alankar Plaza,
Central Spine, Vidhyadhar Nagar,
Jaipur, Rajasthan.
2. Shri. Rajesh Kabra,
Son of (L) M.L. Kabra,
Resident of C-48, Amba-Bari,
Jaipur, Rajasthan,
Manager of M/s Raghav Steels having
its office at 4th Floor, Alankar Plaza,
Central Spine, Vidhyadhar Nagar,
Jaipur, Rajasthan.

.....**Petitioners**

- Vs-

1. State of Meghalaya
Represented by Public Prosecutor.
2. M/s Sesami Chemicals Pvt. Ltd.
A company incorporated under the
Companies Act, 1956 having its
registered office at Red Hill Road,
Nongkynrih, Laitumkhrah, Shillong,



East Khasi Hills District, Meghalaya
793003, represented by its Managing
Director, Shri. Gilbert Diengdoh, son of
(L) P. Warjri, resident of Red Hill
Road, Laitumkhrah, East Khasi Hills
District, Meghalaya.

.....Respondents

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. M.L. Nongpiur, Adv.
Ms. A. Ksoo, Adv.

For the Respondent(s) : Mr. H. Kharmih, Addl. PP. with
Mr. E.R. Chyne, GA. for R 1.
Mr. K.C. Gautam, Adv.
Ms. D.F. Mawrie, Adv. for R 2.

i)	Whether approved for reporting in Law journals etc.:	Yes/No
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ii)	Whether approved for publication in press:	Yes/No
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JUDGMENT AND ORDER (ORAL)

1. Heard Mr. M.L. Nongpiur, learned counsel for the petitioners, who has submitted that the respondent No. 2 had lodged an FIR before the Officer-in-Charge, Umiam Police Station, Ri-Bhoi District on 13.10.2011, alleging that the petitioners, in course of certain business dealings with the complainant, had committed offences punishable under Section 420/418/120B IPC. The FIR was eventually registered and investigation was



launched.

2. The stage of the case till date is for consideration of charges, however, at this point of time, it is the submission of the learned counsel that the parties have amicably reached a settlement amongst themselves and to this effect, a Deed of Settlement was executed on 10.02.2025 at Shillong, wherein the petitioners herein, who are the second party to the said Deed of Settlement, in terms of the conditions laid down in the said settlement, had agreed to pay a sum of ₹ 63,65,511/- to the respondent No. 2 by way of demand draft dated 10.02.2025 drawn on Kotak Mahindra Bank, Jaipur, Vidhyadhar Nagar, the same being handed over today itself and duly acknowledged by the respondent No. 2.

3. In view of the circumstances as is evident on date, the learned counsel has submitted that, to proceed any further with the criminal case being GR Case No. 42/17 under Section 120B/418/420 IPC pending before the Court of the learned Chief Judicial Magistrate, Nongpoh, would be a futile exercise. It is therefore prayed that this petition may be allowed, and in terms of the provision of Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, the related FIR as well as the provisions in the said GR Case may be quashed.



4. Mr. K.C. Gautam, learned appearing on behalf of the respondent No. 2, in all fairness, has also submitted that since the petitioners have settled the matter amicably, the said demand draft being duly acknowledged herein, it would be prudent for the learned Trial Court not to proceed with the said criminal case as far as the petitioners are concerned.

5. Mr. H. Kharmih, learned Addl. PP appearing for the State respondent No. 1 has also expressed the stand of the State to indicate that there is no objection to the quashing of the said proceedings before the Trial Court, in view of the fact that the parties have amicably settled the matter outside Court.

6. This Court has taken note of the submission made by the parties herein, and is made to understand that the trial before the Court of the learned Chief Judicial Magistrate, Nongpoh as far as the petitioners' case is concerned, involves two sections under the IPC i.e. Sections 418/420 which are compoundable which means that the parties could have approached the Trial Court to settle the matter amicably, however, the presence of another section i.e. Section 120B which is non-compoundable, has prevented the parties to approach the Trial Court for compounding of the offences since, there is no provision for compounding of the same under the relevant Code.



Section 528 of the BNSS reads as follows:

“528. Saving of inherent powers of High Court. – Nothing in this Sanhita shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Sanhita, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”

7. It is seen that the section is *pari materia* with Section 482 of the Cr.P.C, wherein is found the inherent powers of the High Court to pass or to make any order which is necessary, firstly, to prevent any abuse of the process of the Court, and secondly, to secure the ends of justice. In this regard, the case of the parties herein centers around a dispute which involves financial dealings between the two. In all probability, if there is dispute of such kind, it can be construed to be a dispute civil in nature, however, since the course of criminal proceedings has been resorted to by the parties concerned, the matter is now before a criminal court.

8. This Court is empowered to ensure that due justice is meted to the parties concerned, and on consideration of the overall facts and circumstances of the case of the parties, is inclined to exercise its inherent power, more particularly to secure the ends of justice. In this regard, the case of *Gian Singh v. State of Punjab & Anr reported in (2012) 10 SCC 303* at para 53 referred to by the learned counsel for the petitioners, wherein the Hon’ble



Supreme Court has explained the contours of the power of this Court which can be exercised under Section 482 of the old Code. However, the relevant para as far as this case is concerned, would be para 58. For ready reference, the same is reproduced herein below:

“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 wrong doing 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 permission of 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 the public servants while working in that capacity, the settlement between the offender and 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 face 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.”

9. In view of the fact that the parties have come to a compromise and agreement as far as the dispute is concerned, therefore, this Court is inclined to allow this petition.

10. Accordingly, the case before the Court of the learned Chief Judicial Magistrate, Nongpoh being GR Case No. 42/17 under Section 120B/418/420 IPC is hereby quashed.

11. This petition is accordingly disposed of as indicated hereinabove.
No costs.

Judge