



Serial No. 26
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn. No.26 of 2025

Date of Order: 29.10.2025

Shri. Westarwell Nongrum
S/o (L) Drial Mynsong
R/o Nongpyrdi, P/o Smit
P/s Madanrting, East Khasi Hills District, Meghalaya.
....Petitioner

-VERSUS-

1. The State of Meghalaya
(Represented by it Public Prosecutor)

2. Smti. Ridamon Mynsong
D/o Shri Shanraison Mynsong
R/o Nongpyrdi, Mawkynrew
East Khasi Hills District, Meghalaya.
(Presently residing)
Pahamumdoh Village Byrnihat, Ri-Bhoi District Meghalaya.
....Respondents

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. R.H. Alice, Legal Aid Counsel

For the Respondent(s) : Mr. N. Syngkon, Asst.PP with
Mr. J.N. Rynjah, GA (R:1)
Ms. M.L. Tlau, Adv (R:2)

Judgment and Order(Oral)

1. Heard Mr. R.H. Alice, learned Legal Aid Counsel appearing for the petitioner, Mr. N. Syngkon, learned Asst.PP appearing for the State-respondent No.1 and Ms. M.L. Tlau, learned counsel appearing



for the respondent No.2.

2. By this petition, the petitioner has sought for quashing of the proceeding of G.R. Case No.117 of 2015 U/s 448/376/511 IPC, pending in the Court of Additional Judge, KHADC, Shillong on the basis of the settlement deed dated 22.04.2025.

3. The brief fact of the case is that the respondent No.2, on 23.02.2015 filed an FIR against the petitioner who happens to be her husband alleging physical assault and rape by the petitioner. The said FIR was registered vide Madanrting P.S. Case No.30(2) of 2015 U/s 448/323/376/511/506 IPC and the matter was investigated into. Upon completion of the investigation, a charge-sheet bearing C.S.No.04 of 2016 dated 16.02.2016 was submitted against the petitioner which is now pending trial before the Court of the Additional Judge, KHADC, Shillong in G.R. Case No.117 of 2015. During the pendency of the trial, the petitioner and the respondent No.2 have entered into a compromise vide settlement deed dated 22.04.2025 amicably settling all the dispute between them. As the offence involved is non-compoundable, the petitioner has approached this Court seeking quashing of the proceeding against him on the basis of the said settlement.

4. The learned counsel for the petitioner submits that the FIR dated 23.02.2015 was filed by the respondent No.2 mainly because of some misunderstanding and not on account of commission of any serious offence by the petitioner. He submits that immediately after filing of the FIR, the dispute between the petitioner and the respondent No.2 stood resolved and since then they have been residing together and that five children were born to them thereafter. He submits that that since the issue involved in the matter is purely



private without there being involvement of any public element, further proceeding against the petitioner will serve no purpose in view of the settlement of the matter. The learned counsel further submits that the respondent No.2 was about 25 years old when the FIR was lodged against the petitioner and since they are related as husband and wife, there could not have been any charge U/s 376 IPC against the petitioner. He, therefore, submits that further proceeding of the G.R. Case No.117 of 2015 be quashed.

5. Mr. N. Syngkon, learned Asst.PP appearing for the State-respondent fairly submits that as the entire dispute is between husband and wife, the State has no objection to the prayer made on behalf of the petitioner.

6. Ms. M.L. Tlau, learned counsel appearing for the respondent No.2 acknowledges that the petitioner and the respondent No.2 has been residing together and the matter was compromised immediately after the FIR was lodged. She further submits that recently the parties have executed a written settlement deed dated 22.04.2025 in order to give quietus to the proceeding pending in the court of law. The learned counsel, therefore, supports the prayer made on behalf of the petitioner and submits that quashing of the proceeding against the petitioner will ensure overall happiness in the family.

7. Upon hearing the submissions made by the learned counsels appearing for the parties and on perusal of materials on record, it appears that the petitioner and the respondent No.2 got married in the year 2007. They have nine children out of the wedlock, five of whom were born after the FIR dated 23.02.2015 was filed by the respondent No.2. Therefore, there remains no doubt that the petitioner and the respondent No.2 have settled the dispute between



them and at present they are residing happily with their children. Further, perusal of the settlement deed dated 22.04.2025 also makes it clear that the petitioner and the respondent No.2 have decided not to have any sort of serious dispute between them in future and that there will not be repetition of any such act as alleged in the FIR. The respondent No.2 is also convinced that the settlement would contribute to the overall structure and functioning of their family creating a sense of order and stability and would provide love and support to the entire family.

8. As the petitioner and the respondent No.2 are husband and wife, it is rightly pointed out by the learned counsel for the petitioner that the charge U/s 376 IPC cannot be sustained against the petitioner in view of Exception 2 of section 375 IPC which lays down that sexual intercourse by a man and his own wife cannot be termed as rape. Furthermore, since there is no objection by the State-respondent and the respondent No.2, refusal of the prayer made by the petitioner in this case will result in injustice to the parties.

9. The decision of the Apex Court in *Gyan Singh Vs State of Punjab & Anr (2013) 10 SCC 303* makes it clear that inherent power of the High Court in quashing the criminal proceeding can be exercised on the basis of compromise/settlement entered into between the parties found to be genuine and no public element is involved in the matter. In the present case, it appears that the allegation made in the FIR is specifically confined to the petitioner and the respondent No. 2 and none others.

10. Having regard to the fact that the dispute with regard to the allegation made in the FIR and the related charge sheet has been settled between the petitioner and the respondent No. 2 voluntarily



out of their own free will and the settlement/compromise is aimed at boosting cordial and peaceful relationship between the parties, this Court deems it fit and appropriate to allow the prayer made in the present criminal petition.

11. Resultantly, further proceeding of the G.R. Case No.117 of 2015 U/s 448/376/511 IPC, pending in the Court of Additional Judge, KHADC, Shillong is hereby quashed.

12. The criminal petition stands allowed.

Judge

Meghalaya
29.10.2025
"Shrity,PS"