



Serial No.15
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl. Petn. No. 55 of 2024

Date of Hearing: 18.02.2025

Date of Decision: 18.02.2025

Shri. Pratik Chettri Son of Shri Paras Chettri Premanent resident of House No.363, Ward No.20, Lower Mawbah, Near Shiv Mandir, Shillong-793002, East Khasi Hills District, Meghalaya.	Vs. 1.State of Meghalaya represented by the Secretary to the Government of Meghalaya, Home (Police) Department. 2.The Officer In-Charge Sadar Police Station, Shillong, Meghalaya. 3.SHRI. ASHISH RANJAN Son of Shri. Braj Bhushan Pandey Resident of Flat No.1, Petra Apartment, Bishnupur, Shillong – 793001 East Khasi Hills District, Meghalaya.
---	---

.....Applicants/Petitioners.

.....Respondents.

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. A. Joshi, Adv.

For the Respondent(s) : Mr. H. Kharmih, Addl. PP. (R: 1 & 2)
Ms. T. Buam, Adv. (R: 3)



JUDGMENT AND ORDER (ORAL)

Heard Mr. A. Joshi, learned Counsel appearing for the petitioner, Mr. H. Kharmih, learned Addl. PP appearing for the State-respondents No.1 & 2 also Ms. T. Buam, learned Counsel appearing for the respondent No.3.

The brief fact of the case is that on 19-12-2022 while the petitioner was driving a two-wheeler (Scotty) bearing registration no. ML-05-X-7119 on his way back home, he met with an accident with the vehicle of the respondent No.3 bearing registration no. ML05V8481 (Tata Nexon) near Military Hospital, Rilbong. In the said accident, the petitioner received injuries and had to rush to the nearby hospital for treatment where he was treated as an indoor patient for few days till his recovery. No FIR was filed by any of the parties immediately after the accident. However, the respondent No.3 filed an FIR before the Officer-In-Charge, Sadar Traffic Branch, East Khasi Hills, Shillong which was forwarded on 25-12-2022 and registered as Sadar P.S Case No. 285(12) of 2022 under Section 279/337 IPC. The final outcome of the investigation in the matter is still awaited. As Section 279 IPC is a non-compoundable offence, the petitioner has approached this Court seeking quashing of the said Sadar P.S Case No. 285(12) of 2022 on the basis of a compromise/settlement dated 22-09-2024 entered into between him and the respondent No.3.

Mr. A. Joshi, learned Counsel for the petitioner submitted that immediately after the accident, the petitioner and the respondent No.3 had mutually settled the matter and the subsequent filing of the FIR by the respondent No.3 was only a precautionary step to avoid any future consequence arising out of the matter. He submitted that after filing of the FIR, during the pendency of the investigation of the case, the petitioner



and the respondent No.3 has entered into a settlement/compromise dated 22-09-2024 whereby both the parties on their own accord voluntarily decided to amicably settle the matter and not to pursue any legal proceeding before Court of Law. He submitted that since Section 279 IPC is a non-compoundable offence, the petitioner has no other alternative but to approach this Court by way of this instant criminal petition. He prayed that for the interest of justice, the FIR and the proceeding initiated in the Sadar P.S. Case No. 285(12) 2022 may be quashed.

Ms. T. Buam, learned Counsel for the respondent No.3 supported the submission advanced on behalf of the petitioner and has also acknowledged the fact that the parties have amicably settled the matter. She further submitted that the respondent No.3 also would not like to pursue any legal proceeding in the matter.

Mr. H. Kharmih, learned Addl. PP for the State-respondents No.1 & 2 submits that since the parties have settled the matter, the State would not like to raise any objection against the settlement/compromise.

Upon consideration of the submissions made by the learned Counsels for the parties and on consideration of materials on record, it appears that the petitioner and the respondent No.3, indeed, have entered into a compromise/settlement dated 22-09-2024 voluntarily on their own will to compromise the matter and not to pursue any legal proceeding against each other. It is also clear from the record that apart from the petitioner and the respondent No.3, no other individual from amongst the general public had received any kind of injury from the accident which took place on 19-12-2022. The learned Counsel for the petitioner has placed before this Court a copy of the Judgment and order dated 21-03-2023 passed in Crl. Petn. No.17 of 2023 wherein a co-ordinate Bench of this Court had quashed the proceeding in a matter which is identical to the



present case. A perusal of the said Judgment and Order reveals that this High Court in the similar factual background of the present case, had set aside the FIR and the proceeding involved in that case on the basis of the proposition of law laid down by the Apex Court in various decisions.

Since, the present case is identical to the facts and circumstances involved in Crl.Petn. No. 17 of 2023, this Court in consideration of the submission made on behalf of the parties deems it appropriate to allow the prayer made by the petitioner. Resultantly, the FIR dated 25-12-2022 and the proceeding of Sadar P.S Case No. 285(12) of 2022 under Section 279/337 IPC is hereby quashed.

This criminal petition stands allowed.

Judge

Meghalaya
18.02.2025
"Biswarup PS"