



Serial No.20
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl. Petn. No. 63 of 2024

Date of Order: 25.02.2025

Shri Wisterly Mawrie,
S/o B Mawrie,
Resident of Laitkor Ksehbilat,
East Khasi Hills District,
Meghalaya.

Vs. 1.State of Meghalaya Represented
by the Secretary to the Government
of Meghalaya, Home (Police)
Department.

2.Shri Edmund Lyngdoh Marbaniang
Son of (L) F Kharsyntiew,
Resident of Umsaw Mylliem, East
Khasi Hills District, Meghalaya.

3.Shri. Bilington Mawrie,
Son of (L) P Wankhar,
Resident of Laitkor, Shillong,
East Khasi Hills District,
Meghalaya.

4. Smti. Ristila Suiting,
Wife of Shri Bilington Mawrie,
Resident of Laitkor Shillong,
East Khasi Hills District, Meghalaya.

.....Petitioner.

....Respondents.

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

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

For the Respondent(s) : Mrs. T. Yangi B, AAG with
Mr. J. N. Rynjah, GA. (R: 1)
Mr. R. Kharkrang, Adv. (R: 2 – 4)

**ORAL:-**

Heard Mr. A. R. Passah, learned Counsel appearing for the petitioner and Mrs. T. Yangi B, learned AAG assisted by Mr. J. N. Rynjah, learned GA appearing for the State-respondent No.1 also Mr. R. Kharkrang, learned Counsel appearing for the respondents No.2, 3 & 4.

By this application, the petitioner has sought for quashing of the proceeding of the G.R. Case No. 31 (A) of 2020 under Sections, 279, 304 (A) and 427 of the IPC pending trial before the Court of the Judicial Magistrate, First Class, East Khasi Hills District, Shillong on the basis of a compromise/settlement dated 06-02-2024 between the petitioner and the respondents No.2, 3 & 4.

The fact of the case is that on 06-09-2019, the petitioner along with late Kobanstar Suting were travelling on a motorcycle bearing registration No. ML 05 J 8318 proceeding from Laitkor Ksehbilat to Lad Nongkrem. However, on reaching Laitkor Mawarling, the motorcycle met with an accident with one vehicle bearing registration number ML 05 R 2020 driven by the respondent No.2. As a result of the accident, Kobanstar Suting who was the pillion rider, passed away on 09-09-2019. In order to avoid any legal complication in the matter, the respondent No.2 filed an FIR dated 09-09-2019 reporting the incident to the Officer-In-Charge, Madanrynting Police Station (Traffic Branch). On the basis of the FIR, the Madanrynting PS Case No. 97 (9) of 2019 was registered under Sections 279, 337, 338, 427, 304 (A) IPC read with Section 182 of the Motor Vehicles Act, 1988. Upon completion of the investigation, the case was charge-sheeted vide Charge-sheet No. 19 of 2020 and the matter is now pending trial before the Court of Magistrate First Class, Shillong in G.R. Case No. 31 (A) of 2020. During the pendency of the trial, the petitioner and the respondents No. 2, 3



& 4, who are the complainant and the parents of the deceased victim, have amicably settled the matter by a deed of compromise dated 06-02-2024. It is the case of the petitioner that since Sections 279 and 304 (A) IPC are non-compoundable offences, he has no other alternative but to approach this Court seeking quashing of the proceeding of G. R. Case No. 31 (A) of 2020 on the basis of the said compromise/settlement dated 06-09-2024.

Mr. A. R. Passah, learned Counsel appearing for the petitioner submits that the offences involved are private in nature having no bearing on the law and order of the State and there is no involvement of any public element in this matter. The learned Counsel submits that the accident was an unfortunate incident without any fault or intention of any of the parties involved therein and, hence, for ends of justice, the criminal proceeding initiated against the petitioner needs to be closed. The learned Counsel contends that since the parties have voluntarily settled the matter, no real purpose will be served by allowing the criminal proceeding to continue before the Trial Court and prays for quashing of the same. In support of his submission, the learned Counsel has placed reliance on the order dated 16-03-2021 passed in *Crl. Petition No. 11 of 2021, Shri Basandorlang Thangkhiew Vs. State of Meghalaya & Anr.* and the Order dated 01-10-2021 passed in *Crl. Petn. No.34 of 2021, Shri. Dapyooki Dkhar & Anr. Vs. State of Meghalaya & Anr.* wherein in the similar facts and circumstances of the present case, the criminal proceedings pending before the Trail Court have been quashed by a Co-ordinate Bench of this High Court.

Ms. T. Yangi B, learned AAG, per contra, submits that the accident occurred due to rash and negligent driving resulting in loss of one life and there cannot be any compromise in such matter. She further submits that offence under Section 304(A) has its own impact on the society and cannot be compromised by the parties on the pretext that the offence involved is



private in nature. She submits that accident resulting in loss of life has become regular because of rush and negligent driving by drunken, negligent or adventurous drivers who have no concern for others. By placing reliance on the judgment reported in *(2016) SCC OnLine Ker4258: (2016) 2 KLT 873, Mohammed Ashraf V. State of Kerala &Ors*, the learned AAG submits that quashing of criminal proceeding involving offence under Section 304A IPC on the basis of the compromise between the parties will leave a wrong impression about the criminal justice system and will encourage further criminal acts endangering human life. The learned AAG, however, does not dispute the fact that in similar other matter cited by the learned Counsel for the petitioner, this Court has granted relief by quashing the proceedings pending before the Trial Court.

Mr. R. Kharkrang, learned Counsel appearing for the respondents No.2, 3 & 4 supports the contentions raised on behalf of the petitioner and also acknowledges that a compromise has indeed been arrived at by the petitioner and the respondents No.2, 3 & 4. He submits that the complainant and the parents of the victim have voluntarily decided not to pursue the matter anymore before the criminal Court.

The submissions made by the learned Counsels for the parties and perusal of the materials on record reveal that after the accident on 06-09-2019 resulting in loss of life of one person, on the basis of the FIR dated 09-09-2019 lodged by the respondent No.2, the Madanrynting PS Case No. 97 (9) of 2019 was registered. On completion of the investigation, the matter was charge-sheeted and forwarded for trial. It is apparent that during the pendency of the trial, the parties involved i.e. the petitioner and the respondents No.2, 3 & 4 have compromised the matter voluntarily out of their own free will and decided not to pursue the criminal case pending before the Trial Court. It was also agreed by the parties that they will



support the petitioner to get the criminal case quashed by the High Court. There appears to be no doubt insofar as the settlement of the matter is concerned. Though, the learned AAG has taken a strong objection to the prayer for quashing of the criminal case by placing reliance on the judgment *Mohammed Ashraf (supra)* of the Kerala High Court, the same cannot be entertained in view of the orders dated 16-03-2021 in Crl. Petn No. 11 of 2021 and 01-10-2021 in Crl. Petn. No. 34 of 2021 passed by a Co-ordinate Bench of this High Court involving similar and identical matter. Perusal of the aforesaid orders of this High Court would show that same were passed by placing reliance on various Judgments of the Apex Court. Since the decision of Co-ordinate Bench is binding on subsequent Bench, the judgments dated 16-03-2021 and 01-10-2021 have binding effect on this Court.

As there exists no dispute between the parties before this Court that the facts and situation involved in the present case is similar and identical to the facts and situations involved in Crl. Petn. No. 11 of 2021 and Crl. Petn. No. 34 of 2021, this Court finds it appropriate to allow the prayer made by the petitioner in this criminal petition. Resultantly, the further proceeding of G.R. Case No. 31 (A) of 2020 under Sections, 279, 304 (A) and 427 of the IPC pending before the Court of the learned Judicial Magistrate, First Class, East Khasi Hills stands quashed.

The Criminal Petition stands allowed.

Judge

Meghalaya
25.02.2025
"Biswarup PS"