



Serial No.23
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl. Petn. No. 64 of 2024

Date of Order: 17.03.2025

1.Shri Banistar Syiem
Son of Smt. Phasssimai Syiem.

Vs. 1.The State of Meghalaya Represent
by its Commissioner and Secretary
(Home), Shillong.

2. Shri Isak Syiem
Son of (L) Train Kharumnuid

2. Shri Emanuel Syiem
Son of (L) Syriem Kiri Syiem
of Mawpdang village
P.S- Diengpasoh, East Khasi Hills
District, Meghalaya.

3. Shri Staising Syiem
Son of (L) T. Swer

All residents of Mawpdang
Village P.S- Diengpasoh, East
Khasi Hills District, Meghalaya

.....Petitioners.

.....Respondents.

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. S. Pandit, Adv.

For the Respondent(s) : Mr. S. Sengupta, Addl. PP with
Mrs. S. Bhattachajee, GA(R: -1)
Ms. N. Chyrmang, Adv. (R:-2)

ORAL:-

The fact of the case is that on 11-02-2022, the respondent No.2 lodged an FIR before the Officer-in-Charge, Diengpasoh police station, to the effect that his signature was forged on a document of No Objection Certificate and the Land Ownership Certificate based on which the



document of land at Mawknor (Mawpdang) village was signed by the ex-headman and the ex-secretary of the village. On the basis of the FIR, the Diengpasoh P.S. Case No. 04 (02) 2022 under Section 465/471 IPC was registered and investigated into. After completion of the investigation, a charge-sheet vide Charge-Sheet No. 3 of 2024 dated 28-01-2024 was forwarded to the concerned Court by naming the petitioners herein as the accused persons, which is now pending for trial in G.R. Case No. 3 (A) of 2024 before the learned Judicial Magistrate First Class, Shillong.

After the filing of the charge-sheet, the petitioners and the respondent No.2 have compromised/settled the existing misunderstanding and dispute between them vide a settlement deed dated 28-11-2024 whereby they mutually agreed to compromise the matter and not to proceed anymore with the criminal trial. Since, the offence under Section 465 IPC is non-compoundable, the petitioners have approached this Court for acceptance of the compromise/settlement between them and the respondent No.2 and for quashing of the criminal trial against the petitioners.

Mr. S. Pandit, learned Counsel for the petitioners, submits that the petitioners and the respondent No.2 are closely related to each other and the FIR was lodged by the respondent No.2 due to some misunderstandings between them. The learned Counsel submits that the allegation made in the FIR dated 11-02-2022 and the related charge-sheet dated 28-01-2024 is purely private in nature having no impact in the society and, since, the parties to the dispute have settled the matter, further proceeding in the criminal trial will not serve any meaningful purpose. The learned Counsel, therefore, prays that the proceeding of G.R. Case No. 3(A) of 2024 pending before the Court of Judicial Magistrate First Class, Shillong be quashed.

Mr. S. Sengupta, learned Addl. PP for the State-respondent No.1 fairly submits that since the parties to the dispute have already settled the



matter, he does not have any strong objection to the prayer made in the instant criminal petition and left the matter to the discretion of this Court.

Ms. N. Chyrmang, learned Counsel for the respondent No.2 supports that submission made on behalf of the petitioners and also acknowledges that a compromise has indeed been arrived at between the petitioners and the respondent No.2 in this matter. She submits that the respondent No.2 is not willing to pursue the matter anymore before any criminal Court and would not have any objection if the proceeding before the Trial Court is closed on the basis of the settlement deed dated 28-11-2024.

Perusal of the materials on record and the submissions made by the learned Counsels appearing for the parties make it clear that consequent to the lodging of the FIR dated 11-02-2022, the Diengpasoh P.S Case No. 04(02) 2022 under Section 465/471 IPC was registered and investigated into. Upon completion of the investigation, a charge-sheet vide charge-sheet No. 3/2024 dated 28-01-2024 under Section 465/471 IPC was forwarded to the concerned Court by naming all the three petitioners as the accused persons and the matter is now pending for trial in GR case No. 3 (A) of 2024. It appears that a settlement deed dated 28-11-2024 was entered into between the petitioners herein on the one part and the respondent No.2 on the other part, compromising the existing dispute and misunderstanding between them mainly for the reason that they all belong to the same clan/family and residing in the same village and have all along been enjoying a cordial and peaceful relationship between them. The content of the settlement deed further crystalizes that the FIR dated 11-02-2022 was lodged by the respondent No.2 due to some misunderstanding, which now have been settled and stand clarified between the parties. The parties, therefore, voluntarily of their own accord, decided to settle the



matter for ever in order to preserve the existing cordial and peaceful relation between them.

The decisions of the Apex Court in (2012) 10 SCC 303, *Gian Singh V. State of Punjab & Anr.* and in *Criminal Appeal No. 660 of 2025(@SLP Criminal NO. 3432 of 2023)*, *Naushey Ali & Ors. V. State of U.P. & Anr.* relied on by the learned Counsel for the petitioners, makes it clear that the inherent power of the High Court in quashing of the criminal proceeding can be exercised on the basis of compromise/settlement entered into between the parties in dispute involving non-compoundable offence, if the settlement/compromise is found to be genuine and there is no involvement of public element in the matter. The facts and circumstances of the present case do not show involvement of any public element in the matter. The allegation made in the FIR specifically concerns the petitioners and the respondent No.2 only and none others.

Having regard to the fact that the dispute referred to in the FIR and the charge-sheet has been settled between the alleged offenders and the complainant voluntarily out of their own free will and the settlement/compromise is aimed at boosting the existing cordial and peaceful relationship between the parties, this Court deems it fit and appropriate to allow the prayer made by the petitioners in this criminal petition. Resultantly, the further proceeding of G. R Case No.3 (A) of 2024 under Section 465/471 IPC pending before the Judicial Magistrate First Class, Shillong stands quashed.

The criminal petition stands allowed.

Judge

Meghalaya
17.03.2025
"Biswarup PS"