



Serial No.15
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn. No.65 of 2024

Date of Order: 13.06.2025

Shri. Asbester Kharkongor
Son of Shri. D. Kharmaphlang
Resident of Mawbyrna, Lapalang Rynjah, Shillong
East Khasi Hills District Meghalaya.

..... Petitioner

-VERSUS-

1. State of Meghalaya, through its Commissioner and
Secretary Home (Police) Department,
Govt. of Meghalaya, Shillong.
2. The Superintendent of Police
East Khasi Hills District, Shillong, Meghalaya.
3. The Officer in Charge
Rynjah Police Station, Shillong, Meghalaya.
4. Smti. Tengrik K. Sangma
W/o Shri Ratan alias Rahul Debbarman
Resident of Pokseh P.S. Rynjah, Shillong, Meghalaya
5. Shri. Ratan Debbarma
Husband of T.K. Sangma
Resident of Poksheh, P.S. Rynjah, Shillong, Meghalaya.

..... Respondents

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

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

For the Respondent(s) : Mr. A. Momin, GA (R:1-3)
Ms. N. Gurung, Adv (R:4-5)



(ORAL)

Heard Mr. S. Thapa, learned counsel appearing for the petitioner, Mr. A. Momin, learned GA for the respondent Nos. 1 – 3 and Ms. N. Gurung, learned counsel for the respondent Nos. 4 & 5.

1. The present criminal petition has been filed by the petitioner praying for quashing of the FIR dated 22.03.2015 and the proceeding of GR Case No.32 (A) of 2016 u/s 326 IPC pending before the Court of Judicial Magistrate First Class on the basis of a deed of settlement/compromise dated 11.12.2024 entered into between the petitioner and the respondent Nos. 4 & 5.

2. The fact of the case is that the respondent No.4 who is the wife of the respondent No.5 had filed an FIR dated 22.03.2015 before the Rynjah Police Station alleging that the petitioner had assaulted the respondent No.5. The said FIR was registered as Rynjah P.S. Case No.44 (3) of 2015 and the matter was investigated into. Upon completion of the investigation, the matter was charge sheeted and a regular GR Case No.32(A) of 2016 u/s 326 IPC was registered against the petitioner which is pending trial before the learned Court of Judicial Magistrate First Class, Shillong.

3. Mr. S. Thapa, learned counsel for the petitioner submits that during the pendency of the trial, the petitioner and the respondent Nos. 4 & 5 have amicably settled/compromised the matter by a compromise deed dated 11.12.2024. He submits that since the matter has been compromised, no meaningful purpose will be served by allowing the continuation of the criminal case against the petitioner. He further submits that the allegation made in the FIR is purely private in nature and has no serious impact on the society. He submits that the settlement in the matter will bury all hatchet and result in building harmonious relation between the parties. The learned counsel submits that the offence involved in the matter is a non-compoundable offence and hence, the petitioner has no other option but to approach this Court seeking quashing of the FIR and the related criminal



proceeding initiated against the him. He further submits that the parties have executed the compromise deed voluntarily out of their own free will and prays that the proceeding of the GR Case No.32(A) of 2016 be quashed.

4. Mr. A. Momin, learned GA appearing for the respondent Nos. 1 – 3 submits that since the matter has been settled amicably by the petitioner and respondent Nos. 4 & 5, the State has no objection to the prayer made by the petitioner.

5. Ms. N. Gurung, learned counsel appearing for the respondent Nos. 4 & 5 supports the prayer made on behalf of the petitioner and also acknowledges that the compromise deed dated 11.12.2024 has been executed by the parties. She further submits that since the compromise has been entered into between the parties to improve their future relationship, the respondent Nos. 4 & 5 are not keen to pursue the matter anymore and will not have any objection if the proceeding before the Trial Court is closed on the basis of the settlement/compromise between the parties.

6. Upon hearing the learned counsels appearing for the parties and on perusal of the materials on record, it transpires that the FIR dated 22.03.2015 was lodged by the respondent No.4 alleging that her husband, the respondent No.5, was assaulted by the petitioner on 21.03.2015 at around 9:00 PM at Lapalang Village. The Rynjah P.S. Case No.44(3) of 2015 was registered on the basis of the said FIR and the matter was investigated into. Upon completion of the investigation, a charge sheet was filed against the petitioner which is now pending trial before the learned Court of Judicial Magistrate First Class, Shillong, in GR Case No.32(A) of 2016 u/s 326 IPC. It appears that during the pendency of the trial, the dispute between the petitioner and the respondent Nos. 4 & 5 was amicably settled and a compromise deed dated 11.12.2024 was executed between them laying down the terms and conditions of the compromise. Contents of the compromise deed reveals that the parties have decided to put an end to



all issues between them. It is also provided that the parties shall be faithful to each other and not do or cause to be done any act either directly or indirectly which may prejudice the other party. It further appears that the petitioner and the respondent Nos. 4 & 5 are all residents of Lapalang Village and they are well known to each other. The content of the compromise deed further crystalizes that the FIR was lodged due to fit of rage and misunderstanding which if ended shall help bringing peaceful coexistence between the parties. Thus, it is clear that the compromise would help the parties to strengthen their relationship and the existence of cordial atmosphere in the locality.

7. 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 Nos. 4 & 5 and none others.

8. 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 private respondent Nos. 4 & 5 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.

9. Resultantly, further proceeding of the GR Case No.32(A) of 2016 u/s 326 IPC pending before the learned Court of Judicial Magistrate First Class, Shillong stands quashed.

10. The criminal petition is allowed.

Judge

Meghalaya

13.06.2025

Signature Not Verified
Digitally signed by CH MOMIN
CH MOMIN
Date: 2025.06.13 19:23:13 IST

"Shrip. PS"