

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

**Cril. Petn. No. 81 of 2024 with
MC(Cril. Petn.) No. 70 of 2024**

1. Shri Mayengbam Roken Singh, aged about 28 years old, S/o. Mayengbam Gyaneshwor Singh, a resident of Wabagai Mayai Leikai, P.O. & P.S. Kakching, Kakching District, Manipur- 795103.
2. Yanglem (O) Mayengbam (N) Rojita Devi aged about 34 Years old, W/o. Yanglem Lenin Singh of Samurou Awang Leikai, P.O. & P.S. Wangoi, Imphal West District, Manipur- 795009.
3. Yanglem Lenin Singh, aged about 37 years old, S/o. Y. Tolapishak Singh of Samurou Awang Leikai, P.O. & P.S. Wangoi, Imphal West District, Manipur-795009.
4. Mayengbam Gyaneshwor Singh, aged about 64 years old, F/o. Mayengbam Roken, aged about 64 years old, S/o. Mayengbam Gyaneshwor Singh, a resident of Wabagai Mayai Leikai, P.O. & P.S. Kakching, Kakching District, Manipur-795103.

... Petitioners

- Versus -

1. The State of Manipur, represented by the Principal Secretary / Secretary (Home), Govt. of Manipur, Old Secretariat (South Block) P.O. & P.S. Imphal, Imphal West District, Manipur PIN No. - 795001.
2. The Director General of Police, Manipur, Police Head Quarter, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur- 795001.
3. The Superintendent of Police, Bishnupur District having its office at S.P. Building Complex, P.O. & P.S. Bishnupur, Bishnupur District, Manipur PIN No. 795126.
4. The Officer-in-charge, Nambol Police Station, P.O. Imphal & P.S. Nambol, Bishnupur District, Manipur- PIN No. 795134.

... Official Respondents

5. Smt. Sinam Purnima @ Molly aged about 27 years Old, W/o. Mayengbam Roken Singh, resident of Wabagai Mayai Leikai, P.O. Kakching & P.S. Hiyanglam, Kakching District, Manipur-795103

... Proforma Respondent

B E F O R E
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

ORDER

09.09.2026

[1] Heard Md. Syed Murtaza Ahamed, learned counsel for the petitioners; Mr. H. Samarjit, learned PP assisted by Mr. W. Niranjit, learned Dy. GA for the State respondent nos. 1 to 4; and Mr. L. Sanamacha, learned counsel for the respondent no. 5.

[2] By the present petition, the petitioners approach this Court for quashing of FIR No. 39(9)2021 NBL-PS U/s: 376/406/417/506/120-B IPC Corresponding to FIR No. 00(9)2021 WGI-PS U/s: 376/406/417/506/120-B IPC on the ground that petitioner no. 1 and complainant (respondent no. 5 herein) have already made settlement and "the FIR were lodged on the ground of misunderstanding and out of frustration". Subsequently, the petitioner no. 1 and respondent no. 5 are both married now and a baby girl is born out of wedlock. In the circumstances, respondent no. 5 submitted an application to the Officer-in-Charge of Nambol, Police Station for withdrawal of the complaint case and the present petition has been filed by the petitioners for quashing of the above-mentioned FIR.

[3] Petitioner no. 1 is the main accused, who is alleged to have abducted and eloped with the respondent no. 5; petitioner no. 2 is the elder-sister of petitioner no. 1; petitioner no. 3 is the brother-in-law of the petitioner no. 1 and husband of petitioner no. 2; petitioner no. 4 is the father of petitioner no. 1 and petitioner no. 2; and respondent no. 5 is the

complainant in the present FIR. As per the petition, the petitioner no. 1 and respondent no. 5 have love affairs and eloped on 09.11.2018. However, a complaint was lodged by the respondent no. 5 to the Officer-in-Charge, Wangoi Police Station stating that the petitioner no. 1 abducted her and had physical relationship without her consent in a restaurant at Utlou Awang Leikai and a zero FIR was registered with the Wangoi Police Station and the same was referred to the jurisdiction Police Station, i.e., Nambol Police Station. In the circumstances, the above-mentioned FIR was registered against the petitioners.

[4] As per the learned Public Prosecutor, the investigation is almost completed. However, due to the application for withdrawal of the complaint by the respondent no. 5 (complainant herself), further action could not be taken up by the prosecution. It is on record that after clearing the misunderstanding amongst the parties, especially, petitioner no. 1 and respondent no. 5, a marriage ceremony was solemnized on 13.11.2021 and petitioner no. 1 and respondent no. 5 are now married and living together as husband and wife. In the circumstances, the respondent no. 5 submitted an application dated 07.11.2024 to the Officer-in-Charge, Nambol Police Station for withdrawal of the complaint case on the ground that petitioner no. 1 and respondent no. 5 have settled their dispute and subsequently, they got married and the complaint was filed on misunderstanding. As per medical report, a baby girl was born on 27.01.2025 out of wedlock and now, they become a parent.

[5] Mr. L. Sanamacha, learned counsel for the respondent no. 5 has also admitted the facts as narrated above and he also admitted that the authenticity of the representation dated 07.11.2024 submitted by respondent no. 5 to the Officer-in-Charge, Nambol PS for withdrawal of the complaint.

[6] Md. Syed Murtaza Ahamed, learned counsel for the petitioners submits that in view of the subsequent development of

settlement between the petitioner no. 1 and respondent no. 5, i.e., “they got married and later on, a baby girl is born out of wedlock”, the continuation of the FIR case will be a harassment to the petitioners; and the respondent no. 5 herself, has submitted an application for withdrawal of the complaint case. The fate of the pending FIR case is a forgone conclusion that the charge levelled against the petitioners will not be able to sustain in Court, when the alleged victim has herself withdrawn from the case; both the accused and victim have settled their dispute and; they are now living together as husband and wife. In this regard, learned counsel for the petitioners refers to a decision of this Court **in order dated 23.09.2025 in Cril. Petition No. 21 of 2025 [Vikas Singh vs. State of Manipur]** wherein, the criminal case filed by the complainant therein was quashed on the ground of compromise between the parties and on the joint application filed by the accused and victim before this Court for quashing of the complaint case on plea of their settlement on getting married.

[7] In that judgment, this Court considered the decision of the Hon’ble Supreme Court in the related case of **R.P. Kapur vs. State of Punjab reported in AIR 1960 SC 866**, which laid down the 3(three) conditions for quashing of criminal complaint in exercising the power under Section 561-A of Cr.P.C, 1898 [equivalent Section 482 of Cr.P.C., 1973 and equivalent Section 528 of BNSS, 2023]. The 3(three) conditions are that (i) legal bar to proceedings, (ii) absence of any offence on plain reading of the complaint, and (iii) abuse of process of law. Reliance is also placed on the above principle of Hon’ble Supreme Court in the case of **State of Haryana vs. Bhajan Lal: 1992 Supp. (1) SCC 335** at ‘para 102’ has elaborated the 3(three) conditions into 7(seven) conditions. In the case of **Jayrajsinh Digvijaysinh Rana vs. State of Gujarat and Ors.: MANU/SC/0585/2012** at ‘para 16’ where, it was held that when there is no chance of recording the conviction in a trial, the whole criminal trial will be an exercise in futility and will be a process in abuse of law, the

criminal case was quashed. In 'para 12' of the judgment in **Mr. Vikas Singh (supra) in Cril. Petn. No. 21 of 2025**, this Court held that since the complainant and accused filed a joint petition before this Court for closing of the FIR case on the ground of mutual understanding and settlement for marriage, this Court quashed the FIR against the accused on the ground of impossibility of rendering a verdict of conviction in exercise of power under Section 528 of BNSS (Section 482 of Cr.PC).

[8] Mr. H. Samarjit, learned PP submits that in the peculiar facts of the present case, as the complainant herself submitted an application for withdrawal of the complaint, the FIR case has not been proceeded further and that too in view of the pendency of the present petition before this Court. It is prayed that appropriate order may be passed by this Court.

[9] Mr. L. Sanamacha, learned counsel for the respondent no. 5 has admitted the narration of the facts as recorded above and confirmed that respondent no. 5 and petitioner no. 1 are now married; living together as husband and wife; a baby girl was born out of wedlock; the FIR was lodged out of misunderstanding; now the petitioner no. 1 and respondent no. 5 are happily married; and respondent no. 5 does not have any grievances against any of the family members of the petitioner no. 1. Learned counsel for the respondent no. 5 further submits that respondent no. 5 does not have any objection in quashing the pending FIR case against the petitioners in view of the admitted positions that:

- (i) The FIR was lodged on misunderstanding and mis-concept of facts;
- (ii) The parties have amicably settled the dispute and now, petitioner no. 1 & respondent no. 5 are married, living together as husband and wife and a baby girl is born out of wedlock;

(iii) The respondent no. 5 submitted a representation dated 07.11.2024 to the Officer-in-Charge of Nambol PS for withdrawing the complaint case.

[10] In such circumstances, this Court is of the opinion that the continuation of the criminal proceeding against the petitioners will be a futile exercise as respondent no. 5 (complainant) is not supporting the case of the prosecution and further continuation of the proceeding will be nothing but an abuse of the process of law. In the circumstances, in exercising the inherent power under Section 528 of BNSS, 2023, the zero FIR case and subsequent FIR No. 39(9)2021 NBL-PS U/s: 376/406/417/506/120-B IPC Corresponding to FIR No. 00(9)2021 WGI-PS U/s: 376/406/417/506/120-B IPC is quashed and all the incidental proceedings in connection with the present FIR case are set aside. All bail bonds are discharged. No costs. In other words, all proceedings, inquiry and investigation with respect to the FIR are all closed.

[11] In view of the above observations, Cril. Petn. No. 81 of 2024 is disposed of. MC(Cril. Petn.) No. 70 of 2024 is also disposed of, accordingly.

[12] Send a copy of this order to the Officer-in-Charge of Nambol Police Station for information and doing the needful.

Oinam

Thoiba Meitei

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Digitally signed by
Oinam Thoiba Meitei
Date: 2026.09.11
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JUDGE