



Serial No. 04
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn. No. 56 of 2026

Date of order: 17.06.2026

1. Arkilos Kharsohnoh @Jess Kharshiing
2. Smti. L.

....Petitioners

- versus -

1. State of Meghalaya represented by the Secretary to the Government of Meghalaya, Home (Police) Department.
2. Dr. Parveen Kumar, Medical and Health Officer, Tirot Sing Memorial, Civil Hospital, Mairang, Eastern West Khasi Hills.

....Respondents

Coram:

Hon'ble Mrs. Justice Revati Mohite Dere, Chief Justice

Appearance:

For the Petitioners : Mr R.S. Malngiang, Adv.

For the Respondents : Mr N.D. Chullai, AAG with
Mr S. Sengupta, Addl PP
Mr A.H. Kharwanlang, Addl PP

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| i) | Whether approved for reporting in Law journals etc.: | No |
| ii) | Whether approved for publication in press: | No |

JUDGMENT: (Oral)

Heard learned counsel for the respective parties.



2. Rule. Rule is made returnable forthwith with the consent of the parties and the aforesaid petition is taken up for final disposal.

3. By this petition, the petitioners i.e., the petitioner No. 1 (accused) and the petitioner No. 2 (prosecutrix) seek quashing of the FIR registered with the Madanrting Police Station being P.S. Case No. 125 (9) 2022 at the behest of the respondent No. 2, Medical and Health Officer attached to Civil Hospital, Mairang, Eastern West Khasi Hills District, as against the petitioner No. 1 for the alleged offence punishable under Section 5(j)(ii) read with Section 6 of the POCSO Act and consequently, the proceeding pending before the learned Special Judge, POCSO, East Khasi Hills District, Shillong. Quashing is sought on the premise that the relationship between the petitioner No. 1 and the petitioner No. 2 was consensual and that from the said relationship, the petitioner No. 2 has delivered a child.

4. Learned counsel for the petitioners states that at the relevant time, the petitioner No. 2 was 17 years of age and the



petitioner No. 1 was 21 years of age. He states that the petitioner No. 2 was 17 years 11 months when she gave birth to a baby boy, and as such, being a minor, at the time of delivery, the respondent No. 2, Medical and Health Officer lodged an FIR.

5. According to learned counsel for the petitioners, the petitioners knew each other for almost three years through a social medial platform i.e., Facebook and met for the first time in the month of February, 2022 when the petitioner No. 2 had visited her aunt. Learned counsel for the petitioners further states that the romantic relationship between the parties resulted in petitioner No. 2 becoming pregnant. Learned counsel states that the parties are cohabiting has husband and wife in the village of the petitioner No. 2. Today, the petitioner No. 1 is aged 25 years and the petitioner No. 2 is 21 years of age.

6. Pursuant to the order dated 21.05.2026, both the petitioners appeared before the Secretary, High Court Legal Services Committee to enable the Secretary to submit her report as to whether the consent given by the petitioner No. 2 is an



informed consent; whether she has received any benefit under the Schemes from either the State or Central Government; etc. Pursuant thereto, the Secretary, High Court Legal Services Committee has tendered her report dated 04.06.2026 in a sealed envelope. The said envelope is opened and the report is perused.

7. From the said report, it appears that the petitioner No. 1 is 25 years of age and the petitioner No. 2 is 21 years old and that both are living together as husband and wife at Mairang Wah lakhaw village, Eastern West Khasi Hills in the petitioner No. 2's house alongwith their son, who is presently 3 years of age. From the report, it further appears that the petitioner No. 1 a daily wage worker, is taking care of the petitioner No. 2 and their child. It also appears that the petitioner No. 2 is also working and earning about ₹1000/- a week. From the report, it further appears that the families of the parties have accepted the relationship of the petitioners, who are living together has husband and wife. The petitioner No. 2 has given her no objection to the quashing of the FIR/proceeding instituted at the



behest of the Medical and Health Officer qua the petitioner No.

1.

8. Learned AAG has also tendered a report of the WPSI J. Nongsiej, Special Squad (AID), East Khasi Hills District, Shillong dated 09.06.2026. The said report is taken on record. On perusal of the report, it appears that the parties i.e., the petitioner No. 1 and the petitioner No. 2 are cohabitating as husband and wife.

9. This Court in its judgment in the case of **Shri Shalenbor Wahlang and anr. v. State of Meghalaya & anr.** passed in **Crl.Petn. No. 92 of 2023** dated **10th April, 2026** in paragraphs 31, 33, 34 and 35 has observed as hereunder:

“31. The ground realities in the State of Meghalaya cannot be ignored and lost sight of. It shows high incidents of adolescent consensual relationships culminating in elopement and early marriage or living together, as husband and wife, which is recognised by the society. Infact, cases of adolescent relationships where the parties i.e., the victim and the boy have got married or are living together as husband and wife and have a child from the said relationship are far too many, resulting in parties filing petitions under Section 528 BNSS (earlier, Section 482 Cr.P.C.) seeking quashing of the proceeding by consent of the parties.



32.

33. What also cannot be lost sight of is, that in Meghalaya, matrilineal system is a rare, ancient societal structure among the Khasi, Garo and Jaintia tribes, where lineage and inheritance pass through the mother. Children take their mother's surname, the youngest daughter inherits the property (is the custodian of ancestral property) and the husband often moves into the wife's house. The system is believed to have originated from an agrarian society and the need to protect the family structure, ensuring women's economic security, social stability and the preservation of tribal identity. Infact, in the Khasi community, women have more independence than women in many patriarchal communities, including the freedom to select their partners, remarry without shame and take an active role in public places like market place and businesses. It is in this background that this Court would have to consider a case seeking quashing of a POCSO case by consent, keeping in mind all factors, including the girl's (victim's) and her child's social security, by ensuring that she and the child get the benefit of the government schemes, including under the POCSO Act.

34. Thus, from the aforesaid discussion, quashing of a POCSO case under Section 528 BNSS by consent, is permissible even if it is a special statute and there is no specific exclusion of any present law/custom. However, the said discretion has to be used with due care and caution and circumspection in exceptional cases, to do justice. As noted earlier, there cannot be any straitjacket formula as to in which cases the said discretion can or cannot be exercised, inasmuch as, that would depend on the facts and circumstances of each case i.e., the age of the parties coming before the court; whether the consent given by the victim is an informed consent and not under coercion of the family members or the boy; that the victim and the accused are married and have a child or are living together as husband and wife, as per the customs in the State of



Meghalaya, etc. Where parties are living together as husband and wife or are married, a police report, or a report from any authority, be called for, verifying the said claim. Also, while considering whether the consent of the victim is an 'informed consent', it is necessary that the victim places her affidavit on record giving her 'No Objection' to the quashing of the case. That, before such an affidavit is accepted, in order to ensure that the consent is an informed consent, the victim may be sent before the Secretary, MLSA or Secretary, DLSA to ascertain whether the consent is an informed consent, by giving her time to ponder over the same; and a report be called for, before such quashing petition is considered. While quashing the case, the Government schemes that may be available to a victim in a POCSO Act and the child born from the said relationship also be given due weightage as suggested and directed by the Apex Court in the case of ***Re: Right to Privacy of Adolescents*** (supra).

35. No doubt, we are conscious of the fact that a case under POCSO Act, is not a case against an individual, but is an offence against the society as a whole, however, the administration or enforcement of the law cannot be divorced from lived realities. Rendering justice demands not only that the law be applied with precision, but also that it be tempered with fairness, compassion and empathy when the situation/facts of a case, warrant it. Thus, it is necessary to maintain a fine balance between the competing interests of justice, deterrence and rehabilitation. Where the victim and the boy are married or are living together as husband and wife (and recognised), and have a child/children, sending the boy to jail would not serve the cause of justice, rather it would cause great injustice to the victim and the child born from the said consensual relationship, as ultimately, the aim of the law is to do justice. Thus, in cases where the court comes to the conclusion, that the consent given by the victim is a genuine and informed consent and that it would be greater injustice to send the boy to jail, instead of letting the parties live together as one family, the Court may consider



quashing the case, pending trial, keeping in mind what is stated aforesaid. We may note, considering the large number of POCSO cases, in particular *Romeo – Juliet* cases, it is the responsibility of the State Government to create awareness amongst the people, including the children about the provisions of the POCSO Act, its punishment, etc., not only in the cities but also in the interior and remote places, including schools, colleges, etc.”

10. Having regard to the peculiar facts, report of the police as well as of the Secretary, High Court Legal Services Committee, and keeping in mind that continuation of the proceeding would cause prejudice not only to the petitioner No. 2 but also to the child born from the said relationship, there is no impediment in allowing the petition. Accoringly, the FIR registered with the Madanrting Police Station being P.S. Case No. 125 (9) 2022 and consequently, the proceeding pending before the Special Judge POCSO being Special POCSO Case No. 24 of 2024 are quashed and set aside.

11. Since it appears from the report that the petitioner No. 2 does not have any document i.e., EPIC Card or Aadhar Card for herself or for her son, this Court directs the DCPO, Eastern West Khasi Hills District as well as the Secretary, DSLA, Eastern West



Khasi Hills District, to assist the petitioner No. 2 in getting the said cards as expeditiously as possible. The DCPO as well as the Secretary, DSLA to also ensure that the Schemes available to 'the Victims of POCSO and their children' are made available to the petitioner No. 2 and her child as may be applicable to them.

The Schemes are as under:

- (i) Scheme for Care and Support to Victims of under Sections 4 and 6 of the POCSO Act (exclusively for POCSO victims) [Nirbhaya Fund];
 - (ii) Mission Vatsalya Scheme (Child Protection Services);
 - (iii) Beti Bachao, Beti Padhao (BBBP) Scheme;
 - (iv) Meghalaya Victim Compensation Scheme, 2022;
 - (v) Meghalaya Health Insurance Scheme;
 - (vi) Ayushman Bharat-PM-JAY (free health);
 - (vii) Mission 1000 Days-Meghalaya;
 - (viii) Rashtriya Bal Swasthya Karyakram (RBSK);
 - (ix) Chief Minister's Safe Motherhood Scheme or CM-SMS;
 - (x) Special Training Programme for age-appropriate admission of Out of School Children (OoSC) and Back to School Campaign;
 - (xi) Samagra Siksha (Back to School);
 - (xii) NALSA (Child-Friendly Legal Services for Children) Scheme 2024;
 - (xiii) NALSA (Legal Services to Persons with Mental Illness and Persons with intellectual Disabilities) Scheme, 2024;
- and



(xiv) Mission Shakti-Women's Safety, Support and Empowerment; and

(xv) Insurance or any other scheme.

12. The Registry to forward forthwith a copy of this order to both, the Member Secretary, Meghalaya State Legal Services Authority, Shillong and Commissioner and Secretary, Social Welfare Department, Shillong as well as to the DCPO, Eastern West Khasi Hills District, Mairang and the Secretary, DLSA, Eastern West Khasi Hills District, Mairang to enable them to take steps and comply with the same.

13. The petition is allowed and Rule is made absolute on the aforesaid terms.

14. Petition is, accordingly disposed of.

15. Although the petition is allowed and consequently, the proceeding is quashed and set aside, list the matter after eight weeks, to ensure compliance as to whether the petitioner No. 2 has received the documents as sought for by her, for herself and her child and whether she has received any compensation/



benefit from the authority as may be applicable to her and her son.

16. Stand over to **19th August, 2026** for recording compliance.

(Revati Mohite Dere)
Chief Justice