



Serial No. 4
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn. No. 57 of 2026 with
Crl.Petn. No. 59 of 2026
Crl.Petn. No. 60 of 2026

Date of order: 29.07.2026

Prof. Jyoti J. Mozika

...Petitioner

- versus -

1. State of Meghalaya, represented by the Secretary,
Home Department, Shillong.
2. The In-Charge, Mawkynroh Police Outpost,
Shillong 793022, Meghalaya.
3. Shri. Amit Mani Tripathi, Student 10th Semester,
Department of Law, North-Eastern Hill University,
Shillong.

...Respondents

AND

Dr Naveen Kumar

...Petitioner

- versus -

1. State of Meghalaya, represented by the Secretary,
Home Department, Shillong.
2. The In-Charge, Mawkynroh Police Outpost,
Shillong 793022, Meghalaya.
3. Shri. Amit Mani Tripathi, Student 10th Semester,
Department of Law, North-Eastern Hill University,
Shillong.

...Respondents

AND



Dr Ravi Kant Mishra

...Petitioner

- versus -

1. State of Meghalaya, represented by the Secretary, Home Department, Shillong.
2. The In-Charge, Mawkynroh Police Outpost, Shillong 793022, Meghalaya.
3. Shri. Amit Mani Tripathi, Student 10th Semester, Department of Law, North-Eastern Hill University, Shillong.

...Respondents

Coram:

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

Appearance:

For the Petitioners : Mr S. Sen, Adv. with
Mr M.U. Ahmed, Adv.

For the Respondents : Mr A. Kumar, AG with
Mr A.H. Kharwanlang, Addl Sr GA
Mr P. Yobin, Adv. [for R3]

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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 petitioners in all the aforesaid petitions as well as learned Advocate General on behalf of the respondent Nos. 1 and 2 and Mr. P. Yobin, learned counsel appearing for the respondent No. 3 in all the petitions.



2. At the outset, this Court makes it clear, that all the aforesaid petitions are being disposed of by a common judgment, as the subject matter of challenge is identical i.e., same FIR/order has been challenged.

3. Rule. Rule is made returnable forthwith with the consent of the parties and the aforesaid petitions are taken up for final disposal.

4. By these petitions, the petitioners therein, seek quashing of the FIR registered at the behest of the respondent No. 3 with the Mawlai Police Station being Mawlai P.S. Case No. 28 (3) 2026 qua the aforesaid petitioners for the alleged offences punishable under Sections 351(2)/115(2) of the BNS.

5. Quashing is sought on the premise that the parties i.e., the petitioners and the respondent No. 3 have amicably resolved their dispute, inasmuch as the respondent No. 3 has given his no objection to the quashing of the aforesaid proceeding initiated at his behest as against the petitioners in the aforesaid petitions.



6. The respondent No. 3 (original complainant) lodged a complaint with the Mawlai Police Station alleging the aforesaid offences. The said complaint is at page 68 of the petition. The concerned Officer forwarded the said complaint “*for registering a cognizable case **under appropriate section of law***” without applying his own mind whether a cognizable case is made out or not in the facts. The said order shows complete non-application of mind and also non-compliance of the Apex Court judgment in ***Lalita Kumari v Government of U.P. & Ors.*** reported in **(2014) 2 SCC 1**. Pursuant thereto, the concerned Officer registered a case as NCR. When the matter came up before the learned Magistrate, the learned Magistrate vide order dated 02.03.2026, observed that “*having heard the informant and perusing the material I am of the consideration that there is a prima facie case against the accused person under **certain provisions of law***” and accordingly, directed registration of an FIR. It is this order directing registration of an FIR, which is impugned before this Court. Again, the learned Magistrate failed to apply her mind by observing “under certain provisions of law”. The learned Judge has failed to follow, not only due procedure but even failed to



consider what were the sections that could have been applicable in the facts. Thus, this order is completely flawed.

7. Be that as it may, since the parties have amicably settled their dispute and the respondent No. 3 has filed an affidavit, it is not necessary to go into the merits of the case, except observing the manner in which the Police and the Magistrate dealt with the respondent No. 3's complaint. The respondent No. 3 has filed an affidavit in all the aforesaid petitions. He has stated that he had filed the said FIR owing to an emotional outburst emanating from various occasions which he perceived that the professors are against him; that the said thoughts against the professors were his own misperceptions and assumptions and as such, he does not desire to nurture any ill-feelings against the professors in whatever manner; and that having realised the same, he does not wish to pursue the complaint against the petitioners. The respondent No. 3 has further undertaken that he will not at any time in future file any form of complaint against the said professors relating to the same issue or subject matter. The respondent No. 3 has further stated in his affidavit that he will complete his law degree as an



obedient and dedicated student and leave the campus on obtaining the law degree. The respondent No. 3 is present in person. He reiterates what has been stated in the affidavit and states that he has no objection to the quashing of the FIR. Mr. P. Yobin, learned counsel has identified the respondent No. 3, who is present in Court.

8. Considering the amicable settlement between the parties and what is stated hereinabove, and having regard to the judgments of the Apex Court in ***Gian Singh v. State of Punjab & anr.*** reported in ***(2012) 10 SCC 303***; ***Narinder Singh & ors v. State of Punjab*** reported in ***(2014) 6 SCC 466*** and several other cases, there is no impediment in allowing the petitions. Accordingly, the petitions are allowed and the FIR registered with the Mawlai Police Station being Mawlai P.S. Case No. 28 (3) 2026 is quashed and set aside.

9. Infact, Mr A. Kumar, learned Advocate General also very fairly stated that the complaint filed by the respondent No. 3 with the Police, could not have been directed to be registered as an FIR “*under appropriate sections of law*” and that such



approach clearly cannot be countenanced in law. He further also has assailed the manner in which the learned Magistrate passed the impugned order to register an FIR “*under certain provisions of law.*” He submits that both, the said orders passed by the Officers as well as the Magistrate clearly reflect non-application of mind. He states that he will take appropriate steps to ensure that such orders are not passed by Police Officers and the law relating when an FIR can be registered, will be circulated to all Officers in the State of Meghalaya. Statement accepted.

10. Needless to state, having regard to the peculiar facts, any complaint by the respondent No. 3 in future against the petitioners shall be placed before the Superintendent of Police, East Khasi Hills, before any steps are taken on the complaint, if filed by the respondent No. 3. Mr A. Kumar, learned Advocate General, to forward a copy of this Order to the Superintendent of Police, East Khasi Hills District.

11. Petitions are allowed and Rule is made absolute on the aforesaid terms.



12. Petition stands disposed of accordingly.
13. All parties to act on the authenticated copy of this order.

(Revati Mohite Dere)
Chief Justice

