



**Serial No. 03**  
**Daily List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

Crl.Petrn. No. 62 of 2026

Date of order: 16.07.2026

1. Sitting G. Momin
2. Smti. XYZ (Prosecutrix)

**....Petitioners**

**- versus -**

1. State of Meghalaya represented by Learned Public Prosecutor.
2. Shri Arbish M. Sangma, son of shri Benen Ch Marak, Samin Indikim, PO&PS Songsak, East Garo Hills, Meghalaya.

**....Respondents**

**Coram:**

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

**Appearance:**

For the Petitioners : Mr L.N. Areng, Adv.

For the Respondents : Mr S. Sengupta, Addl PP

- i) Whether approved for reporting in Law journals etc.: Yes
- ii) Whether approved for publication in press: Yes

**JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)**

Heard learned counsel for the 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 petitioner No. 1 (accused) and the petitioner No. 2 (prosecutrix) seek quashing of the FIR dated 28.06.2023 registered with the Williamnagar Women Police Station being Williamnagar Women PS Case No.13(06) 2023 for the alleged offence punishable under Section 5 read with Section 6 of the POCSO Act, and consequently, the proceeding pending before the learned Special Judge (POCSO), Williamnagar being Special (POCSO) Case No. 14 of 2023.

4. Quashing is sought on the premise that the parties were in a romantic relationship and thereafter, living together and today, they are married; and that from the said relationship, the petitioners have a child, who is currently aged 3 years. It appears that at the relevant time when the case was registered, the petitioner No. 1 was 25 years of age and the petitioner No. 2 (prosecutrix) was a minor, below 18 years.



5. Vide order dated 21.05.2026, the parties i.e., the petitioners were sent to 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 benefits under any Schemes of the Central or State Government for herself or her child; and whether the petitioner No. 2 intends to pursue her education or vocational training.

6. Pursuant thereto, the Secretary, High Court Legal Services Committee has submitted her report in a sealed envelope. The envelope is opened and the report dated 03.06.2026 is perused. From a perusal of the report, it appears that now, the petitioner No. 1 is 28 years of age and the petitioner No. 2, 19 years and are living together as husband and wife in Saminindikim village, East Garo Hills District and have a 3-year-old son born from the said relationship. It appears that the petitioners are living in the house belonging to the petitioner No.2's mother. Further, it appears from the report that the petitioner No. 1 has passed standard IX and is working as a



labourer and is earning around ₹1000/- per week. It further appears from the report that the petitioner No. 2 has passed standard VIII and has no income of her own. It further appears that the expenditure incurred in the household is taken care of by the petitioner No. 2's parents and that the petitioner No. 1 contributes whatever he earns. The report further discloses that the petitioner No. 2 is living with the petitioner No. 1 on her own accord, out of love and affection and that she has no objection to the quashing of the FIR and consequently, the proceeding. From the report, it further appears that the petitioner Nos. 1 and 2 have got married and are living happily together and the petitioner No. 2 has no complaints.

7. It further appears that the petitioner No. 2 has not received any compensation or benefits from either the State or Central Government for herself or her child. It also appears that the petitioner No. 2 has no Aadhar Card and shall be applying the same for herself and her child, and that she does not want to continue with her education, however, she is interested in



doing a vocational course in tailoring, baking and confectionery, if given an opportunity.

8. The Police of Williamnagar Women Police Station have also submitted their report dated 17.06.2026. From the said report, it appears that the petitioners are living happily together as husband and wife with the consent of their family members and that none of them are interested in pursuing the case. It further appears from the police report that from the said relationship between the petitioners, a child was born, who is 3 years of age.

9. Today, learned counsel for the petitioners has tendered the Marriage Certificate to show that the petitioners have got married on 30.06.2026. A photocopy of the said Marriage Certificate is taken on record and marked for identification.

10. 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 **10<sup>th</sup> 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.”

11. Considering the peculiar facts of this case, the fact that a child aged 3 years was born from the said relationship, the report of the Secretary, High Court Legal Services Committee, the report of the Williamnagar Women Police Station and the Marriage Certificate, it appears that the petitioners are happily



living together as husband and wife with their child and with the consent of their families and as such, there is no impediment if the petition is allowed. To the contrary, if the FIR and the proceeding are not quashed, it is the petitioner No. 2 (prosecutrix) and the child who will suffer. Also the harsh realities of a large number of romantic cases culminating into live-in relationships, having children at a very young age, in the State of Meghalaya, cannot be ignored, more particularly amongst the poor strata of the society. Accordingly, the FIR dated 28.06.2023 registered with the Williamnagar Women Police Station being Williamnagar Women PS Case No.13(06) 2023 and consequently, the proceeding pending before the learned Special Judge (POCSO), Williamnagar being Special (POCSO) Case No. 14 of 2023, are quashed and set aside.

12. Needles to state, that the petitioner No. 2 and her child will be extended the benefits as they may be entitled to under the Schemes of the State or Central Government. The said Schemes are hereunder;



- (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.

13. The DCPO, East Garo Hills District, Williamnagar as well as the Secretary, DLSA, East Garo Hills District, Williamnagar to also take steps to ensure that the petitioner No. 2 and her



child, are extended all such benefits as stated aforesaid as they may be entitled to.

14. 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, East Garo Hills District, Williamnagar and the Secretary, DLSA, East Garo Hills District, Williamnagar to enable them to take steps and comply with the same. In the event, compensation is awarded to the petitioner No. 2 under the Victim Compensation Scheme, the same is to be kept in a Fixed Deposit standing in the name of the petitioner No. 2 till she attains the age of 25 years. However, the petitioner No. 2 will be entitled to quarterly interest on the said amount. On the petitioner No. 2 attaining the age of 25 years, she is at liberty to decide what she intends to do with the Fixed Deposit.



15. A support person also to be appointed to assist the petitioner No. 2 and her child in getting documents/admission, etc.

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

17. Petition is, accordingly disposed of.

18. Compliance report to be submitted by the DCPO, East Garo Hills District, Williamnagar and the Secretary, DLSA, East Garo Hills District, Williamnagar with respect to the benefits extended to the petitioner No. 2 and her child as they may be entitled to, on the next date.

19. Stand over to **14<sup>th</sup> September, 2026** for recording compliance of the directions given.

**(Revati Mohite Dere)**  
**Chief Justice**