



Serial No. 04
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Cr1.Petn. No. 64 of 2026

Date of order: 08.09.2026

1. Shri. Rishon Thongnirit

2. Miss XXXXX (Survivor)

....Petitioners

- versus -

1. State of Meghalaya represented by the Law Secretary,
Government of Meghalaya.

2. Secretary, Home Department, Government of Meghalaya.

3. Smti. Stelina Iawphniaw.

...Respondents

Coram:

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

Appearance:

For the Petitioners : Mr R. Kharkrang, Adv.

For the Respondents : Mr S.A. Sheikh, Addl PP

i)	Whether approved for reporting in Law journals etc.:	No
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ii)	Whether approved for publication in press:	No
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JUDGMENT: (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. At the outset, learned counsel for the petitioners seeks leave to amend, to transpose the petitioner No. 3 as respondent No. 3. Leave granted. Amendment to be carried out forthwith during the course of the day.

4. By this petition, the petitioners, i.e., the petitioner No. 1 (accused) and the petitioner No. 2 (survivor) seek quashing of the FIR registered with the Mawkyrwat Women Police Station, South West Khasi Hills District, Mawkyrwat, being Mawkyrwat Women P.S. Case No. 4(02) of 2024 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), being Special (POCSO) Case No. 1 of 2025.

5. Quashing is sought on the premise that the parties, i.e., the petitioner Nos. 1 and 2 are living together as husband and wife and have a child from the said relationship, who is today, aged 2 years and 4 months. At the relevant time, the petitioner No. 1 was aged 22 years and the petitioner No. 2 was



17 years. Today, the petitioner No. 1 is aged 24 years and the petitioner No. 2 is aged 20 years.

6. Pursuant to the order passed by this Court, the Secretary, High Court Legal Services Committee had filed a report dated 16.06.2026, which was taken on record. From the said report, it appears that the petitioner No. 1 although, originally is from Awro, Mawkyrwat, South West Khasi Hills District, is living in Mawiong, Shillong, East Khasi Hills District, for work purpose. The petitioner No. 1 appears to be working as a conductor of a bus and is earning around ₹2000/- to ₹3000/-per week. It further appears from the report that the petitioner No. 2, aged 20 years has passed Class 3 and is originally from Mawbahbam, Mawkyrwat but was living in a rented house near Mawkyrwat market for work reasons alongwith her daughter, aged 2 years and 4 months.

7. The petitioner No. 2 is present in person. On being questioned, she states that she has now moved to Mawkyrwat and is living with the petitioner No. 1 and her daughter happily. When questioned, she further states that the petitioner No. 1 is



taking care of the household expenses and looking after the child. She states that she is happily living with the petitioner No. 1 out of love and affection alongwith their child, who is about 2 years and 4 months of age. When further questioned, she states that she has no objection to the quashing of the FIR and consequently, the proceeding against the petitioner No. 1.

8. On one of the dates, the complainant was present in Court and had given her no objection, however, later she retracted from the said objection since according to her, they belong to the same clan and as such, cannot get married. The said submission was vehemently opposed to by the learned counsel for the petitioners. According to the learned counsel for the petitioners, the parties can get married because they do not belong to the same clan.

9. Be that as it may, the parties, i.e., the petitioner Nos. 1 and 2 are now majors and are living together with their child in Mawkyrwat.



10. This Court 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.”

11. Having regard to the judgment of this Court, the observations made in the aforesaid judgment, the fact that the petitioner Nos. 1 and 2 are happily living together in Mawkyrwat alongwith their child, the no objection of the petitioner No. 2 to the quashing of the proceeding, the report of the Secretary, High



Court Legal Services Committee, there is no impediment if the petition is allowed.

12. Accordingly, the petition is allowed and the FIR registered with the Mawkyrwat Women Police Station, South West Khasi Hills District, Mawkyrwat, being Mawkyrwat Women P.S. Case No. 4(02) of 2024 and the charge-sheet, and consequently, the proceeding pending before the learned Special Judge (POCSO), being Special (POCSO) Case No. 1 of 2025, are quashed and set aside.

13. From the report of the DCPO and the Secretary, DLSA, South West Khasi Hills, Mawkyrwat, it appears that a support person has been appointed to assist the petitioner No. 2 and her child. It further appears that compensation under the Victim Compensation Scheme of ₹3 lakhs has been approved and has been processed through District Legal Services Authority and that the DCPO, is to follow-up final sanction and give final compliance. The petitioner No.2, who is present in Court states that till date, she has not received any compensation.



14. The compensation under the Victim Compensation Scheme be expedited. Needless to state, that if compensation is awarded, such amount is to be kept in a Fixed Deposit 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 and will be at liberty to deal with the said amount on attaining the age of 25 years.

15. Both, the Secretary, DLSA and the DCPO, South West Khasi Hills District, Mawkyrwat, to take all steps to ensure that all assistance is rendered to the petitioner No. 2 and her child, to access all such Schemes as they may be entitled to, including giving vocational training to the petitioner No. 2 in an area of her interest. As far as other benefits are concerned, all such benefits as the child may be entitled to be extended.

16. A fresh report to be submitted by the DCPO and Secretary, DLSA with respect to the benefits made available to the petitioner No. 2 and her child on the next date.

17. 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, South West Khasi Hills District, Mawkyrwat and the Secretary, DLSA, South West Khasi Hills District, Mawkyrwat, to enable them to take steps and comply with the same.

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

19. Petition is, accordingly disposed of.

20. Although this petition is disposed of on the aforesaid terms, it is kept for recording compliance of the directions given in paragraphs 14 to 17 hereinabove.

21. Stand over to **4th November, 2026.**

22. All parties to act on the authenticated copy of this order.

(Revati Mohite Dere)
Chief Justice