



Serial No. 09
Daily List

M, HIGH COURT OF MEGHALAYA
AT SHILLONG

CrI.Petn. No. 76 of 2026

Date of order: 27.07.2026

1. Kingson Mawlong
2. Smti. X

...Petitioners

- versus -

1. State of Meghalaya represented by the Secretary, Government of Meghalaya, Home (Police) Department, Meghalaya.
2. Smti. Y. (Complainant) through Officer-in-Charge Women Police Station, Ri-Bhoi District, Meghalaya.

...Respondents

Coram:

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

Appearance:

For the Petitioners : Ms C.B. Sawian, Adv.

For the Respondents : Mrs N.G. Shylla, PP with
Mrs I. Lyngwa, Addl PP
Ms N.M. Kharshemlang, Adv.[R2]

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

**JUDGMENT: (Oral)**

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

2. 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 Ri-Bhoi Women Police Station, Ri-Bhoi District being Women P.S. Case No. 76(11)2021 and consequently, the proceeding pending before the Special Judge (POCSO), Ri-Bhoi District being Special POCSO Case No. 19 of 2022.

3. Quashing is sought on the premise that the petitioners have formally married each other and have a girl child aged, 4 years. When the aforesaid FIR was lodged as against the petitioner No.1, the petitioner No. 2 was a minor and pregnant. Thereafter, the petitioner No. 2 delivered a child in February, 2022. It appears that since the petitioner No. 2 was a minor, she was living with her parents. On attaining the age of majority, the petitioner No. 2 started living with the petitioner No. 1 today,



they got formally married. Today, the petitioner No. 2 is aged 19 years and 10 months and the petitioner No. 1 is 27 years. Further it appears that the petitioners got formally married in March, 2026 before the Marriage Registrar at Nongpoh and are living together in the petitioner No.1's parental house.

4. Pursuant to the order dated 08.07.2026 passed in the aforesaid petition, the Secretary, High Court Legal Services Committee has submitted her report in a sealed envelope. The envelope is opened and the report dated 15.07.2026 is perused.

5. From the said report, it appears that the petitioner No. 1 is aged 27 years and the petitioner No. 2 is 19 years and 10 months, and are living together. It further appears that they got formally married in March, 2026 and are living in the petitioner No.1's house with their child, who is aged 4 years as of today. From the report, it further appears that the petitioner No. 1 has passed standard 11th and is currently dealing with second hand Scooties besides himself driving an autorickshaw taxi. It further appears that the petitioner No. 2 has passed standard 12th and had taken admission to pursue her diploma course as a



Laboratory Technician, however, due to the ongoing case against the petitioner No. 1, she could not attend the classes regularly, resulting in dropping out from the said course. It further appears from the report that the petitioner No. 2 is keen to pursue the said course again and/or pursue studies in law and that she is also interested in tailoring and wishes to pursue vocational training in the said course, if given an opportunity. It further appears from the report that the household expenditure is taken care of by the petitioner No. 1 and his father, who is a retired Government servant. It further appears from the report that the petitioner No. 2 has no objection to the quashing of the proceeding against the petitioner No. 1. It further appears that neither the petitioner No. 2 nor her child have received any compensation or benefits under any of the Schemes either of the State or Central Government.

6. According to the learned counsel for the petitioners, the petitioners were in a romantic relationship pursuant to which, the petitioner No. 2 gave birth to a girl child.



7. 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.”

8. Considering the aforesaid judgment, having regard to the report submitted by the Secretary, High Court Legal Services Committee, the fact that the petitioners are married and have a child from the said relationship, who is currently 4 years of age,



it will not be appropriate that the trial proceeds qua the petitioner No 1. Considering the aforesaid, there is no impediment, if the petition is allowed and the FIR registered against the petitioner No. 1 is quashed and set aside and consequently, the proceeding pending before the learned Special Judge (POCSO), Ri-Bhoi District, Nongpoh.

9. Accordingly, the petition is allowed and the FIR registered with Ri-Bhoi Women Police Station, Ri-Bhoi District being Women P.S. Case No. 76(11)2021 and consequently, the proceeding pending before the Special Judge (POCSO), Ri-Bhoi District being Special POCSO Case No. 19 of 2022, stand quashed and set aside.

10. Needless to state that the petitioner No. 2 be extended all such benefits as may be applicable to her and her child under any of the Schemes of either the State or Central Government.

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.

11. The Secretary, DLSA, Ri-Bhoi District, Nongpoh as well as the DCPO, Ri-Bhoi District, Nongpoh to extend all possible assistance to the petitioner No. 2 and her child. In the event, victim compensation is granted to the petitioner No. 2 under the Victim Compensation Scheme, the said amount 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 same and will be free to decide what she intends to do with the said amount on attaining the age of 25. All such assistance be extended to the survivor and her child under any of the Schemes. The petitioner No. 2 also to be given help to pursue her education/any vocational training course or any other course which she intends to join. The said exercise to be completed within eight weeks.

12. 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, Ri-Bhoi District, Nongpoh and the Secretary, DLSA, Ri-Bhoi District, Nongpoh 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. Stand over to **30th September, 2026** for recording compliance of the directions given.

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

(Revati Mohite Dere)
Chief Justice