



**Serial No. 12**  
**Regular List**

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

Crl. Petn. No.91 of 2023

Date of Order: 16.02.2026

Shri. Kennyphas Sutnga  
Son of (L) B. Sariang,  
Resident of Thangrain Village,  
West Jaintia Hills District, Meghalaya.

**.....Petitioner**

**-VERSUS-**

**1.** State of Meghalaya, represented by the Secretary  
To the Government of Meghalaya, Home (Police) Department.

**3.** Shri. Endalis Lamare,  
Son of (L) P. Sayoo  
Resident of Thangrain Village,  
West Jaintia Hills District, Meghalaya.

**.....Respondents**

**Coram:**

**Hon'ble Mr. Justice B. Bhattacharjee, Judge**

**Appearance:**

For the Petitioner/Appellant(s) : Mr. J. Shylla, Adv with  
Mr. M.L. Nongpiur, Adv

For the Respondent(s) : Mrs. T. Yangi B, AAG with  
Mr. K.P. Bhattacharjee, GA (R:1)  
Mr. A.R. Passah, Adv (R:3)

**Judgment and Order (Oral)**

**1.** Heard Mr. J. Shylla, learned counsel appearing for the petitioner,  
Mrs. T. Yangi B, learned AAG appearing for the State-respondents No.1  
and also Mr. A.R. Passah, learned counsel appearing for the respondent No.  
**3.**



2. By this petition, the petitioner has prayed for quashing and setting aside of the proceeding of Session Case No.17 of 2017 and corresponding G.R. Case No.45 of 2017 U/s 326/307 IPC pending trial in the Court of the Sessions Judge, West Jaintia Hills District, Jowai, on the basis of a compromise deed dated 10.08.2023 entered into between the petitioner and the respondent No.3.

3. The respondent No.2 was struck off from the array of parties by order dated 01.04.2024 as he had passed away on 02.12.2023. A death certificate to the above effect issued by the Department of Health and Family Welfare, NEIGRIHMS, Shillong was brought into record by the respondent No.3 vide affidavit dated 27.02.2024.

4. The brief fact of the case is that on 21.02.2017 at about 8:30 p.m., the respondent No.3 was allegedly assaulted by the petitioner with a dao and was accordingly taken to Civil Hospital, Jowai for medical treatment. Upon examination, the attending doctor found that the respondent No.3 had sustained grievous injuries. Thereafter, on 23.02.2017, the brother of the respondent No.3 (now deceased), lodged an FIR before the Officer-in-Charge, Nartiang PIC, in connection with the said incident. Basing on the said FIR, a criminal case being Jowai P.S. Case No.45(2) of 2017 was registered under Sections 326/307 IPC and the matter was taken up for investigation. Upon completion of the investigation, a *prima facie* case u/s 326/307 IPC was found well established against the petitioner and a charge-sheet bearing C.S. No.62/2017 dated 25.04.2017 was filed by the police. The case was, thereafter, renumbered as Sessions Case No.17 of 2017 and the petitioner was made to face trial in the matter before the Court of the Sessions Judge, West Jaintia Hills District, Jowai.

5. Mr. J. Shylla, learned counsel appearing for the petitioner, submits that during the pendency of the trial, the petitioner and respondent No. 3, have amicably resolved their disputes. He submits that the alleged incident



had occurred when both the petitioner and respondent No. 3 were under the influence of alcohol and that there was no premeditation or *mens rea* involved in the alleged act. It is further submitted that the respondent No. 3 has fully recovered and is presently in good health without any lasting effect from the alleged incident. The learned counsel also submits that the petitioner has already undergone imprisonment for a period of 1029 days. In view of the above circumstances, the parties have executed a compromise deed dated 10.08.2023 with a view to maintain cordial relation. The learned counsel submits that the petitioner has no criminal antecedents, which has also been confirmed by the prosecution witness before the trial Court, stating that there are no adverse remarks against the petitioner in the village. It is also submitted that the record of evidence of the case project that the victim was an alcoholic and used to create trouble in the village. The learned counsel further submits that immediately after the incident was intimated to the VDP of Thangrian Village, West Jaintia Hills District, the petitioner promptly responded to the summons, expressed his willingness to cooperate, and was taken to Nartiang PIC on 23.02.2017, where he was arrested. It is submitted that the petitioner never absconded and fully cooperated with the investigating authorities. He further submits that in view of the amicable settlement between the parties and the facts and circumstances of the case, no fruitful purpose would be served by continuing the proceedings in Session Case No. 17 of 2017 (G.R. Case No. 45 of 2017) and prays that the same be quashed and set aside in the interest of justice. In support of his contention, the learned counsel has placed reliance on the decisions of *Narinder Singh & ors v. State of Punjab & ors* (2014) 6 SCC 466 and *State of Madhya Pradesh v. Laxmi Narayan & ors* (2019) 5 SCC 688.

6. Mrs. T. Yangi B, learned AAG appearing for the State-respondent No.1 has expressed her reservation about the quashing of the criminal



proceeding on the basis of the compromise/settlement between the petitioner and the respondent No.3 primarily on the ground that the offence involved in the matter is serious in nature. She submits that due to the incident, the respondent No.3 had received serious injury and was admitted in hospital in an unconscious state where he needed immediate medical attention. Relying on the proposition of law laid down in para 29.7 of *Narinder Singh (supra)* case, the learned AAG submits that the prosecution evidence in the present case is almost complete and now it is for the Trial Court to decide the case finally on merits and to come to a conclusion whether the offence alleged in the prosecution case has been committed or not; at this stage the High Court should normally refrain from exercising its power u/s 482 CrPC. However, being aware of the fact that the matter has been settled between the petitioner and the respondent No.3, the learned AAG submits that this Court may take a call on the prayer for quashing of the criminal proceeding in exercise of its discretionary power.

7. Mr. A.R. Passah, learned counsel appearing for the respondent No.3 supports the submissions made on behalf of the petitioner and also acknowledges that a compromise has indeed been arrived at between the petitioner and the respondent No. 3. He submits that though the respondent No.3 had received injuries from the incident, he remained in the hospital as indoor patient for 3 days w.e.f. 21.02.2017 and was released on 24.02.2017. He also submits that the respondent No.3 has fully recovered and has no disability arising out of the incident. He submits that the respondent No.3 has voluntarily decided not to pursue the matter anymore before any criminal court.

8. From the submissions made by the learned counsels appearing for the parties and on perusal of materials on record, it appears that after the occurrence of the alleged incident on 21.02.2017, an FIR dated 23.02.2017 was lodged by the (L) brother of the respondent No.3, basing on which the



Jowai P.S. Case No.45(2) of 2017 was registered. On completion of the investigation, the matter was charge-sheeted and forwarded for trial. It is apparent that during the pendency of the trial of the Sessions Case No.17 of 2017, the parties involved i.e. the petitioner and the respondent No. 3 have compromised the matter voluntarily out of their own free will and decided not to pursue the criminal case pending before the Trial Court. Thus, there appears to be no doubt insofar as the settlement/compromise of the matter is concerned. It is also clear from the record that apart from the respondent No.3, no other individual from amongst the general public had received any kind of injury from the alleged incident which took place on 21.02.2017. Furthermore, the averments made in the instant criminal petition reveals that the petitioner is the paternal uncle of the respondent No.3 and that the alleged incident took place when both the petitioner and the respondent No.3 were in a drunken state. There is nothing on record to suggest that the offence alleged to have been committed by the petitioner was pre-meditated.

9. In addition to the above, the evidence of the medical expert who examined the respondent No.3 during the time of his medical treatment indicates that the injury received by the respondent No.3 may not lead to permanent disfiguration of the head or face. There is no indication in the medical evidence that the injury received by the respondent No.3 endangered his life or caused any suffering of severe bodily pain lasting for a period of 21 days or that he was unable to follow his ordinary pursuits. There is also nothing on record to show that the petitioner has any criminal antecedents and that he was involved in commission of any other offence.

10. The Apex Court in the case of *Laxmi Narayan & ors (supra)* at para 15.4 held: -

*“Offences under Section 307 IPC and the Arms Act, etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual*



*alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act, etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge-sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paras 29.6 and 29.7 of the decision of this Court in Narinder Singh should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;”*

**11.** From the above, it is clear that there is no total ban in the exercise of inherent power of the High Court u/s 482 CrPC where the prosecution evidence in a trial is almost complete or after the completion of the evidence the matter is at the stage of argument. Thus, the exercise of inherent/discretionary power of the High Court would depend upon the facts and circumstances of each case. Since, it is clear in the instant case that the petitioner and the respondent No.3 are related to each other and the alleged incident was the outcome of a drunken brawl and that they have voluntarily settled the matter and there remains no further grievance against each other, this Court in consideration of the submissions made on behalf of the parties, deems it appropriate to allow the prayer made in this criminal petition. Resultantly, the proceeding of Sessions Case No.17 of 2017 (G.R. No.45 of 2017) pending in the Court of the learned Sessions Judge, West



Jaintia Hills District, Jowai is hereby set aside and quashed.

**12.** The criminal petition stands allowed.

**Judge**

Meghalaya

16.02.2026

"Shrity,PS"

