



Serial No.01
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn.No.92/2026

Date of Order: 08.07.2026

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1. Shri Ajit Das alias Avinash Das
 2. Shri Ara Kumar Hajong
 3. Iasuklang War alias Duh
 4. Shri Pradip Paul
- Petitioners

Vs.

1. The State of Meghalaya, represented by the Secretary to the Government of Meghalaya, Home (Police) Department, Meghalaya.
 2. Shri Pradip Thapa
- Respondents

Coram:

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

Appearance:

For the Petitioners : Mr. M.F. Qureshi, Adv with
Mr. L. Koch, Adv

For the Respondents : Mr. H. Kharmih, Addl.PP

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

Heard learned counsel for the parties.



2. By this petition, the petitioners seek quashing of the FIR initially registered with the Bholaganj Police Check Post, which was later forwarded to the Shella Police Station, where an FIR was registered, being Shella P.S. Case No.09 of 2026, for the alleged offences punishable under Sections 115(1)(2), 132, 121(1) and 3(5) of the BNS and consequently, the proceeding pending before the learned Judicial Magistrate First Class, Sohra Sub-Division Court, being G.R. Case No.6 of 2026. Both, on merits of the case, as well as, having regard to the compromise agreement entered into between the petitioners (original accused) and the respondent No.2, a police officer who is a public servant.

3. Learned counsel for the petitioners places reliance on the compromise agreement entered into between the petitioners and the respondent No.2, a Police officer who has lodged the aforesaid FIR. When a public servant is involved and is the complainant and having regard to the nature of allegation i.e., obstruction him for performing his public duty, it is not within the province of the police officer to give his consent to the



quashing of the proceeding qua the accused. Hence, quashing cannot be entertained on the basis of the agreement entered into between the parties.

4. As far as merits are concerned, learned counsel for the petitioners states that no offences as alleged under Sections 132 and 121(1) read with Section 3(5) of the BNS are disclosed qua any of the petitioners. He submits that in this view of the matter, the proceeding be quashed. Learned counsel relied on the judgment of the Apex Court in the case of ***State of Haryana & ors v. Ch. Bhajan Lal & ors*** reported in ***1992 SCC (Supp) 1 335*** in support of his submission.

5. Learned Addl.PP opposed the petition. He submits that no proceeding can be quashed on the basis of a compromise agreement entered into between the accused and the Police Officer, who is a Public Servant. He submits that even the merits/facts clearly show the complicity of the petitioners in the alleged crime. Learned Addl.PP relied on the first informant's statement, which is duly corroborated by the statements of



witnesses, who were present and on duty, along with respondent No.2 (original complainant).

6. Perused the papers.

7. The FIR has been registered by respondent No.2 i.e., Sub-Inspector Pradeep Thapa, attached to Bholaganj Police Check Post, East Khasi Hills. According to the respondent No.2, he received information from a confidential source that at the limestone quarry of the petitioner No.1-Avinash Das, some people were brutally assaulting one person, who appeared to be a Bangladeshi national. On receipt of the said information, respondent No.2 proceeded to the place of occurrence along with his staff i.e., ABC/891 P. Nongtnger and ABC/696 B. Khardewsaw and one person, namely, Mohindra Debnath. On arrival at the spot, respondent No.2 found a Bolero vehicle illegally using its siren and proceeding towards petitioner No.1's quarry; that he found that some persons had debarked the said Bangladeshi national from the Bolero car and were brutally assaulting him; that about approximately 30 to 35 persons were present at the petitioner No.1's quarry; that the petitioner No.1



and his colleague were creating disturbance and using criminal force upon the said person (Bangladeshi national); and that in order to prevent breach of peace and to maintain public tranquillity, the respondent No.2 and the accompanying staff intervened and attempted to restrain the petitioners from continuing such unlawful acts. The respondent No.2 had further in the FIR disclosed that during his lawful intervention, the petitioner No.1-Avinash Das intentionally obstructed and assaulted him and used criminal force against him; that the petitioner No.1 raised his hand to assault him, when he was performing his official duty as a public servant; that the other petitioners i.e., petitioner Nos.2, 4 and another unidentified persons continued to assault the Bangladeshi national and pushed him. Since according to the respondent No.2, the said acts of assault and obstruction of a public servant in discharge of his public functions, amounted to an offence, the aforesaid FIR was lodged under the relevant provisions of the BNS, qua the petitioners.



8. During the course of investigation, the police recorded the statements of several witnesses, i.e., including persons accompanying the respondent No.2 on the site. All the said witnesses, in particular PWS-04-ABC/891-Peter Nongtnger, PWS-05-ABC/696-Builderson Khardewsaw and other statements clearly show that the petitioners had forcefully pushed the respondent No.2 with the intention that the police would not be able to rescue the victim. It is specifically stated by the witnesses that the respondent No.2 was pushed by the petitioner No.1 and his friends.

9. Section 132 of the BNS is with respect to assault or criminal force to deter public servant from discharging his duty and Section 121(1) is with respect to voluntarily causing hurt or grievous hurt to deter public servant from performing his duty. On a perusal of the statements of the respondent No.2, duly corroborated by the statements of other witnesses, it is evident that prima facie the petitioners have committed the alleged offences.



10. In this view of the matter, no case is made out for allowing this petition since, prima facie the facts disclose the commission of the alleged offence. Accordingly, the petition is dismissed.

11. Needless to state, that the trial court to conduct the trial on its own merits uninfluenced by the observations made by this Court in the aforesaid petition.

12. The petition is disposed of.

(Revati Mohite Dere)
Chief Justice

Meghalaya
08.07.2026
"Lam DR-PS"