



Serial No.02
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn.No.88/2025

Date of Order: 06.03.2026

Shri Cleophas B. Syiem

.... Petitioner

Vs.

1. State of Meghalaya, represented by its Public Prosecutor/
Government Advocate, Meghalaya.

2. The Superintendent of Police, Ri-Bhoi District Nongpoh,
Meghalaya.

3. Officer-in-Charge, Nongpoh Police Station, Ri-Bhoi District,
Meghalaya.

4. The Executive Magistrate, Ri-Bhoi District, Nongpoh,
Meghalaya.

5. Smti. Asha Wallang

..... Respondents

Coram:

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

Appearance:

For the Petitioner : Mr. S. Thapa, Adv

For the Respondents : Mr. K. Khan, AAG with
Mr. A.H. Kharwanlang, Addl.PP
Mr. KC Gautam, Adv for R/5

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

**JUDGMENT:**

Heard learned counsel for the respective 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 seeks quashing of the proceeding initiated by the learned Executive Magistrate, Ri-Bhoi District, Nongpoh, under Section 126 read with Section 164 of the BNSS i.e., quashing of the Executive Proceeding No.2 of 2025.

4. The brief facts giving rise to the filing of the aforesaid petition are as under:

5. According to the petitioner, the respondent No.5 had filed a Title Suit, being Title Suit No.2(T) of 2024 in the name of Smti. Agnes Wallang, claiming to be her power of attorney holder. The said suit is pending before the Court of the Assistant to the Deputy Commissioner (Judicial) at Nongpoh, with respect to a land, which is the bone of contention between the petitioner and



the respondent No.5. In the said proceeding, a status quo order has been passed. It appears from a perusal of the orders that the respondent No.5, after passing of the status quo order, had filed an application alleging illegal encroachment by the petitioner, however, despite the said allegation, the earlier order of status quo was continued.

6. It is the petitioner's case, that the respondent No.5 at the time of filing of the civil suit, had also preferred an application seeking an injunction and for restraining the petitioner (defendant No.1 in the title suit) from interfering in the subject land, however, the civil court had refused to pass an injunction or a restraining order against the petitioner (defendant No.1) and that the court had directed the parties to maintain status quo; and that the said status quo order continues till date.

7. It is also the petitioner's case that the respondent No.5 having failed to obtain an injunction and restraining order against the petitioner, adopted other means to get some order. Accordingly, it is alleged that the respondent No.5 lodged an FIR as against the petitioner and also approached the learned



Executive Magistrate, Ri-Bhoi District, Nongpoh, by filing a complaint with the Executive Magistrate alleging trespass, assault and violence by the petitioner in the property in question. The respondent No.5 is also alleged to have made allegations of continuous threat to the peaceful possession of the respondent No.5. Thus, according to the petitioner, the respondent No.5 alleged breach of peace by the petitioner before the Executive Magistrate and sought appropriate action/order under Section 167 of the BNSS and by way of an interim prayer, the respondent No.5 prayed that pending disposal of the inquiry, a restraint order be passed against the petitioner/notice, from entering into the land in question and interfering with the peaceful possession etc.

8. The petitioner in this petition has made several allegations with respect to the conduct and the manner in which the Executive Magistrate exhibited bias and proceeded to pass orders, without giving an opportunity to the petitioner to even peruse the inquiry report which was submitted by the police to the Executive Magistrate. Thus, according to the learned counsel for the petitioner, despite the fact, that the Executive Magistrate



had no jurisdiction to proceed with the proceeding, being Executive Proceeding No.2 of 2025, as the civil suit was pending and there being an order of status quo in the title suit, the Executive Magistrate entertained the respondent No.5's complaint.

9. Learned counsel for the respondent No.5 opposed the petition. He submitted that no interference was warranted in the proceeding initiated by the Executive Magistrate. Learned AAG also opposed the petition.

10. Having perused the petition and which fact is not disputed is, i.e., there is a civil proceeding pending between the parties before the learned Assistant to the Deputy Commissioner (Judicial), Ri-Bhoi District, Nongpoh, with respect to the land. It is also not in dispute that there is a status quo order passed in the said suit, which has been continued from time to time, despite, the respondent No.5 having filed an application alleging flouting of the said status quo order by the petitioner. It appears that according to the petitioner, he is in possession of the



property in question, whereas, according to the respondent No.5, she is in possession of the property in question.

11. Be that as it may, the fact remains that there is a civil suit pending between the parties and there is a status quo order passed by the said court from time to time.

12. The Supreme Court in ***Ram Sumer Puri Mahant v. State of U.P. & ors*** reported in ***(1985) 1 SCC 427***, has held that when a civil litigation is pending for the same property wherein the question of possession is involved and the parties are in a position to approach the civil court for interim orders, such as injunction or appointment of a receiver for adequate protection of the property during pendency of the dispute, there is no justification for initiating a parallel criminal proceeding under Section 145, CrPC (now 164 of BNSS). The Apex Court after noting that multiplicity of litigation is not in the interest of the parties nor should public time be allowed to be wasted over meaningless litigation nor can parallel proceeding continue, quashed the proceeding under Section 145 CrPC. Similarly, in ***Amresh Tiwari v. Lalta Prasad Dubey & anr*** reported in



(2000) 4 SCC 440, the Apex Court held in *Ram Sumer Puri Mahant's case* that multiplicity of litigation should be avoided as it is not in the interest of the parties to waste time over meaningless litigation. It further held in paragraph 14 as under:

“14. Reliance has been placed on the case of *Jhummal v. State of M.P.* It is submitted that this authority lays down that merely because a civil suit is pending does not mean that proceedings under Section 145 of the Criminal Procedure Code should be set at naught. In our view this authority does not lay down any such broad proposition. In this case the proceedings under Section 145 of the Criminal Procedure Code had resulted in a concluded order. Thereafter the party, who had lost, filed civil proceedings. After filing the civil proceedings he prayed that the final order passed in the Section 145 proceedings be quashed. It is in that context that this Court held that merely because a civil suit had been filed did not mean that the concluded Order under Section 145 of the Criminal Procedure Code should be quashed. This is entirely a different situation. ***In this case the civil suit had been filed first. An Order of status quo had already been passed by the competent civil court. Thereafter Section 145 proceedings were commenced. No final order had been passed in the proceedings under Section 145. In our view on the facts of the present case the ratio laid down in Ram Sumer case fully applies. We clarify that we are not stating that in every case where a civil suit is filed, Section 145 proceedings would never lie. It is only in cases where civil suit is for possession or for declaration of title in respect of the same property and where reliefs regarding protection of the property concerned can be***



applied for and granted by the civil court that proceedings under Section 145 should not be allowed to continue. This is because the civil court is competent to decide the question of title as well as possession between the parties and the orders of the civil Court would be binding on the Magistrate". (emphasis supplied)

13. It is also pertinent to note that in the present case, the civil case was instituted first in point of time and that there is a status quo order passed in the said suit, which was continued from time to time. It also appears that on receipt of respondent No.5's complaint, the Executive Magistrate had called for a police report which is annexed at page 164 of the petition. The police report evidences pending civil cases and the FIRs initiated by the parties against each other and the dispute with respect to ownership of land. It is also noted in the report that on 2nd December, 2025, when the police officer was preparing the report for submitting the same before the Executive Magistrate, he received a call from respondent No.5 on his mobile and during the conversation, the respondent No.5-Smt. Asha Wallang requested him to help her in the ongoing land dispute between herself and Shri C.B. Syiem and that Smt. Asha



Wallang offered to pay any amount of money in return for the help so extended. It is stated in this regard that an FIR has been registered under the Prevention of Corruption Act, 1988 with the Khanapara Police Station against Smt. Asha Wallang for attempting to bribe a government servant and that the investigation is underway. (It may be noted, that the said allegation of offering money has been refuted by the learned counsel appearing for the respondent No.5). In conclusion, it is noted in the police report that having regard to the records, ongoing disputes, necessary directions be issued to both the parties for maintaining law and peace in the area or from indulging in any illegal activities or making any changes to the disputed land.

14. As noted above, it is pertinent to note that action was taken by the Executive Magistrate only qua the petitioner and not the respondent No.5, and that the said action was taken despite being aware of the pending civil litigation between the parties and the order of the civil court directing the parties to maintain status quo.



15. Hence, in the facts and having regard to what is stated hereinabove, the proceeding impugned in this petition i.e. Executive Proceeding No.2 of 2025, pending before the Executive Magistrate cannot be sustained and as such is quashed and set aside.

16. Rule is made absolute on the aforesaid terms.

17. Petition is accordingly allowed and is disposed of.

18. Interim order, if any, stands vacated.

(Revati Mohite Dere)
Chief Justice

Meghalaya
06.03.2026
"*Lam* DR-PS"