Serial No.09
Daily List

MLHC010015842025

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn.No.74/2025

Date of Decision: 18.11.2026
Uploaded on: 19.11.2026

1. Smti. Samina Khatun, W/o Late Nurul Azim Mondal
2. Shri Ashadur Azim Mondal, S/o (L) Forezuddin Mondal
3. Shri Raju Sk @ Rofiqul Emandar, S/o (L) Nurul Azim Mondal
4. Smti. Forida Emami, D/o Nurul Azim Mondal
5. Smti. Hasina Emami, D/o Nurul Azim Mondal
6. Shri Bappu Miya, S/o (L) Mozibur Rahman, all are residents of the village Sakmal, P.O. & P.S. Rajabala, West Garo Hills District, Meghalaya. ..... Petitioners

Vs

1. State of Meghalaya, represented by the learned Public Prosecutor.
2. Shri Ziaul Amin Mondal, S/o Late Forezuddin Mondal, resident of village Sakmal, P.O. Rajabala, P.S. Rajabala, West Garo Hills District, Meghalaya.
3. Shri Moxadul Amin Mondal, S/o Late Forezuddin Mondal, resident of village Sakmal, P.O. & P.S. Rajabala, West Garo Hills District, Meghalaya.
4. Smt. Rabia Ahmed, W/o Shri Ziaul Amin Mondal, R/o Sakmal, P.O. & P.S. Rajabala, West Garo Hills District, Meghalaya. ..... Respondents

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

Appearance:

For the Petitioners	:	Mr. S.A. Sheikh, Adv with Mr. L.N. Arengh, Adv
For the Respondents	:	Mrs. N.G. Shylla, AAG with Mr. A.M. Pala, GA Ms. Z. Begum, Adv for R/2-4

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

JUDGMENT: (Oral)

Heard learned counsel for the parties.

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

3. By this petition, the petitioners seek quashing of the FIR registered with the Phulbari Police Station, being Phulbari P.S. Case No.11(4)16. The said FIR has been registered at the behest of respondent No.2 (original complainant), as against the petitioners for the alleged offences punishable under Sections 447,326,506 read with Section 34 of the IPC.

4. Quashing is sought on the premise that the dispute has been amicably settled between the respondent Nos.2 to 4 (i.e. original complainant and injured) and the petitioners, who are family members.

5. According to the learned counsel for the petitioners, two FIRs were registered with respect to the same incident. However, in the FIR from the petitioners' side, the police filed a closure report and as such, chargesheet filed only in the FIR registered at the behest of respondent No.2, qua the petitioners. It is submitted by the learned counsel for the petitioners that the petitioners herein and the respondent Nos.2 to 4 are all family members belonging to the same family and as such, the dispute has been resolved between the family members and as such, the FIR and consequently, the proceeding be quashed against the petitioners. It is further submitted that even otherwise, the nature of injuries was not serious requiring hospitalisation of the respondents/injured.

6. Learned counsel for the petitioners relied on the judgments of the Apex Court in the case of ***Yogendra Yadav &***

ors v. State of Jharkhand & anr reported in ***(2014) 9 SCC 653***; ***Naushey Ali & ors v. State of Uttar Pradesh & anr*** reported in ***(2025) 4 SCC 78***; and ***H.N. Pandakumar v. State of Karnataka*** in ***Miscellaneous Application No.2667 of 2024 in SLP (CRL) No.895 of 2024***.

7. Learned AAG does not dispute the fact, that the relationship between the petitioners and the respondent Nos.2 to 4 i.e., they are related inter se.

8. Learned counsel for the respondent Nos.2 to 4 also states that the said respondents have no objection to the quashing of the proceeding, since the matter has been amicably settled between the parties, who are family members and inter se closely related.

9. The respondent Nos.2 to 4 are present through VC. When questioned, they reiterate that they have no objection to the quashing of the proceeding, since the dispute has been amicably settled between them and the petitioners.

10. Perused the papers.

11. It appears that an FIR came to be registered at the behest of respondent No.2 (original complainant) qua the petitioners alleging offences punishable under Sections 447, 326, 506 read with Section 34 of the IPC. After investigation, chargesheet was filed against all the aforesaid six petitioners. It appears that the petitioners and the respondent Nos.2 to 4, belong to the same family and are inter se related, i.e., they are brothers, sisters, nephews and nieces, inter se. It further appears that the entire incident arose out of a boundary dispute and village property disputes between the parties. It further appears that post the filing of the chargesheet with the intervention of the village elders, the Gaonbura and other respected members of the society, the parties amicably resolved their disputes and entered into a Deed of Compromise Agreement dated 29th April, 2025. The parties expressed their regret with respect to the incident that took place on 6th April, 2016 and have undertaken to maintain peace and harmony and not to provoke or threaten each other in future. The respondent Nos.2 to 4 present through VC, have reiterated what is stated by them in the Deed of Compromise.

12. The Apex Court in the case of ***Yogendra Yadav*** (supra) has in paragraph 4 observed as under:

> "*4. Now, the question before this Court is whether this Court can compound the offences under Sections 326 and 307 IPC which are non-compoundable? Needless to say that offences which are non-compoundable cannot be compounded by the court. Courts draw the power of compounding offences from Section 320 of the Code. The said provision has to be strictly followed (Gian Singh v. State of Punjab[2]). However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under Section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable. In which cases the High Court can exercise its discretion to quash the proceedings will depend on facts and circumstances of each case. Offences which involve moral turpitude, grave offences like rape, murder, etc. cannot be effaced by quashing the proceedings because that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such offences are quashed, it may send wrong signal to the society. However, when the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquillity and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace.*"

13. The Apex Court having regard to what is stated aforesaid and having regard to the observations made in ***Gian Singh v.***

State of Punjab reported in ***(2012) 10 SCC 303***, in particular paragraph 58 of the said judgment, allowed the petition as the parties had amicably settled their dispute and quashed the proceedings qua the accused therein. The case which was quashed was also one under Sections 326/307 read with Section 34 of the IPC.

14. Similarly, in the case of ***H.N. Pandakumar*** (supra), the Apex Court has in paragraphs 4 and 5 observed as under:

> "*4. Subsequently, the applicant/petitioner has filed the present Miscellaneous Application seeking relief for compounding the offense under Section 326 IPC, based on a compromise reached between the parties after the dismissal of the Special Leave Petition. The applicant/petitioner states that all the disputes between the applicant/petitioner's family and the complainant's family have been amicably resolved with the intervention of elders and villagers. The applicant/ petitioner has agreed to pay Rs. 5,80,000/- as total compensation to the complainant as part of the settlement. The complainant has filed an Interlocutory Application No. 227010/2024 for impleadment in support of the petitioner's prayer for compounding the offense, affirming the compromise and seeking closure of the matter to ensure peace and harmony between the parties. The complainant and the petitioner reside in close proximity, with only a road separating their houses, making it essential to maintain a peaceful relationship between the two families. The parties are also distantly related, and any lingering hostility is likely to disturb the social fabric of their neighbourhood. The compromise covers not only the criminal case but also*

related property disputes, including the right of way, which had been a point of contention for years. The applicant/petitioner's commitment to paying the agreed compensation reflects a genuine effort to end the discord and uphold the terms of the settlement. This Court notes that the complainant's unequivocal support for the compromise further underscores the voluntary nature of the settlement and the shared desire to put an end to all disputes.

5. In light of the amicable settlement and the complainant's unequivocal consent, as evidenced by the Interlocutory Application, this Court finds it appropriate to allow the present M.A. While the offense under Section 326 IPC is non-compoundable under the provisions of the Criminal Procedure Code, 1973, the exceptional circumstances of this case, including the voluntary settlement between the parties, warrant the exercise of this Court's inherent powers to give effect to the compromise."

15. The injury certificates are also perused of the respondent Nos.2 to 4. None of the injured were required to be kept or admitted in the hospital and were discharged on the very same day. One of the injured has received an injury on the left forearm; another on the shoulder; and, one has received a sutured injury on the head.

16. Considering what is stated in the aforesaid judgments, the facts in the present case, the relations between the parties i.e. they all belong to the same family, the nature of injuries and the

amicable settlement between the parties, there is no impediment in allowing the petition, in the interest of justice.

17. The petition is accordingly allowed and the FIR registered with Phulbari Police Station, being Phulbari P.S. Case No.11(04)16 and consequently, the proceedings pending before the Court of the Judicial Magistrate First Class, Circuit Court, Phulbari, West Garo Hills District, are quashed and set aside.

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

19. Petition is disposed of accordingly.

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

(**Revati Mohite Dere**)
Chief Justice

Meghalaya
18.11.2026
"Lam DR-PS"

Verified
Digitally signed by: LAMPHRANG KHARCHANDY
Signed On: 19-11-2026 17:44:24 IST