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MLHC010018182026

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn. No. 160 of 2026

Date of order: 25.11.2026
Uploaded on 26.11.2026

1. Bianglang Kshiar, aged about 24 years, S/o Smti. Yourinda Kshiar, formerly residing at Pahamrioh, Nongpoh, Sadar PS, Ri-Bhoi District, Meghalaya, Pin-793102, presently residing at Nongmensong, Dong Ka Diang, Rynjah P.S., Shillong, East Khasi Hills District, Meghalaya, Pin-793006.

2. Smti. A, aged about 20 years, W/o Bianglang Kshiar, R/o Nongmensong Dong Ka Diang, Rynjah P.S., Shillong, East Khasi Hills District, Meghalaya, Pin-793006.

....Petitioners.

- versus -

1. The State of Meghalaya represented by the Public Prosecutor, Government of Meghalaya.

2. SI T. Joshi (complainant) Nongmensong Police Outpost, Shillong.

....Respondents

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

Appearance:

For the Petitioners : Mrs. D.M. Warjri, Adv.

For the Respondent : Mr. A.S. Dey, Sr. GA with
Ms. A. Thungwa, GA

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

JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)

Heard learned counsel for the 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 petitioners, i.e., the petitioner No. 1 (accused) aged 24 years and the petitioner No. 2 (survivor) aged 20 years, seek quashing of the FIR registered with the Rynjah Police Station, being Rynjah P.S. Case No. 149 (9) 2022 for the alleged offences punishable under Section 5 read with Section 6 of the POCSO Act and consequently, the proceeding pending before the learned Special Judge (POCSO), East Khasi Hills District, Shillong, being Special (POCSO) Case No. 69 of 2022. The FIR has been registered at the behest of the respondent No. 2, i.e., SI T. Joshi attached to Nongmensong Police Outpost, Shillong.

4. Quashing is sought on the premise that the relationship between the petitioners was consensual and that they are living together as husband and wife, and that from the said relationship the petitioners have a child aged 3 years and 8 months.

5. Vide order dated 04.11.2026, reports were called for from the Secretary, High Court Legal Services Committee as well and from the concerned Police Station. Pursuant thereto, the Secretary, High Court Legal Services Committee has submitted her report dated 12.11.2026. The said report reveals that the petitioners were in a romantic relationship and that their relations were consensual. It further appears that from the said relationship, the petitioners have a child, who is currently aged 3 years and 8 months. It further appears that the petitioner No. 2 has studied up to Class IX and has expressed her desire to undergo training course in cooking. It further appears that the petitioner No. 1 is staying with the petitioner No. 2 and is taking care of the petitioner No. 2 and their child. It further appears

that the petitioner No. 2 has not received any benefits for herself and the child from any of the State or Central Schemes nor has she received any compensation under the Victim Compensation Scheme.

6. From the report submitted by Mr. A.S. Dey, learned Sr. GA of the concerned Police Station, it appears that the petitioners are living together as husband and wife with the petitioner No. 2's parents, and that they have a child aged 3 years 8 months from the said relationship.

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. Having regard to what is stated hereinabove, the reports of the Secretary, High Court Legal Services Committee as well s the report of the Police submitted by the concerned Police Station; the fact, that the petitioners are living together as husband and wife for several years and have a child from the said relationship, aged 3 years and 8 months, and also having regard to the no objection given by the petitioner No. 2 for quashing of the FIR, there is no impediment if the petition is allowed.

9. Petition is, accordingly allowed and the FIR registered with the Rynjah Police Station, being Rynjah P.S. Case No. 149 (9) 2022 and consequently, the proceeding pending before the learned Special Judge (POCSO), East Khasi Hills District, Shillong, being Special (POCSO) Case No. 69 of 2022 are quashed and set aside.

10. Rule is made absolute on the aforesaid terms.

11. Petition is, accordingly disposed of.

12. Needless to state that although the petition is disposed of, the DCPO and the Secretary, DLSA, East Khasi Hills District, Shillong to ensure that all benefits as the petitioner No. 2 and her child are entitled to are made available to them. 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.

13. The 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, East Khasi Hills District, Shillong and the Secretary, DLSA, East Khasi Hills District, Shillong, to enable them to take steps and ensure that

the benefits of the Schemes, as may be applicable are extended to the petitioner No. 2 and the child.

14. Both the DCPO as well as the Secretary, East Khasi Hills District, Shillong to submit their respective reports with respect to the Schemes made available to the petitioner No. 2 and her child. It is made clear that if compensation under the Victim Compensation Scheme is awarded to the petitioner No. 2, the same shall 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 shall be entitled to quarterly interest on the said amount and shall be at liberty to deal with the said amount on attaining the age of 25 years.

15. Although, the petition is disposed of, list the matter for recording compliance of the directions given in paragraphs 12 to 14 on **28th January, 2027**.

(**Revati Mohite Dere**)
Chief Justice

Meghalaya
25.11.2026
"Sylvana BS"

Verified
Digitally signed by: SYLVANA LIZ KHARBHIH
Signed On: 26-11-2026 16:56:01 IST