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MLHC010018702026

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn. No. 165 of 2026

Date of order: 26.11.2026
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1. Singborlang Mylliem Umlong, age about 34 years, S/o (L) Sipilning Kyrsian, R/o Umraleng, Ri-Bhoi District, Meghalaya.

2. Miss X (Victim), age about 21 years, D/o Y, R/o xxxxxx

....Petitioners

- versus -

1. State of Meghalaya represented by the Secretary, Government of Meghalaya.

2. SI R.B. Sten (Enquiry Officer), Nongmynsong-Umkdait-IV, Shillong, East Khasi Hills District, Meghalaya – 7930

...Respondents

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

Appearance:

For the Petitioners : Ms. P. Chettri, Legal Aid Counsel

For the Respondents : Mrs. N.G. Shylla, PP

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 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 petitioners i.e., the petitioner No. 1 (accused) and the petitioner No. 2 (survivor) seek quashing of the FIR registered with the Sohra Police Station, being FIR No. 5(01) of 2020 and consequently, the proceeding pending before the learned Special Judge (POCSO), Shillong, being Special POCSO Case No. 18 of 2021.

4. Quashing is sought on the premise that the relations between the petitioners was consensual and that the petitioners got married in December, 2022 on the petitioner No. 2 attaining the age of majority and, as such, they have been living together prior and post their marriage as husband and wife with their two children, aged 6 years and the other 4 years respectively.

5. Vide order dated 06.11.2026, the parties were directed to appear before the Secretary, High Court Legal Services Committee to enable the Secretary to submit her report as to whether the consent given by the petitioner No. 2 was an informed consent and whether the petitioner No. 2 and her children have received any benefits under any of the State or Central Government Schemes for herself and her children, etc.

6. Mrs. N.G. Shylla, learned PP was directed to submit a report of the concerned Police Station as to whether the contents stated in the petition were true and correct, i.e., the petitioners were living together as husband and wife and have two children from the said relationship and whether they were married. Pursuant thereto, both, the Secretary, High Court Legal Services Committee has submitted her report in a sealed envelope, which is opened. The concerned Police Station has also submitted its report.

7. From a perusal of the report of the Secretary, High Court Legal Services Committee, it appears that the petitioners were in a romantic relationship since 2018 and that the relations

between them was consensual; that from the said relationship, the petitioners are blessed with two children, one aged 6 years and the other 2 years; that the petitioner No. 1 is providing for the needs of the petitioner No. 2 and the children; that the petitioner No. 2 has stated that she does not intend to resume her studies, however, is interested to undergoing a vocational training course in tailoring; and, that the petitioner No. 2 nor her children have received any benefits under any of the State or Central Government Schemes, nor has the petitioner No. 2 received compensation under the Victim Compensation Scheme.

8. From a perusal of the report of the concerned Police Station, i.e., Sohra Police Station, it appears that the survivor is presently, 22 years of age and is happily married to the petitioner No. 1 in the year 2022, and that they are living together with their children; and that the petitioner No. 1 is supporting the petitioner No. 2 and their children.

9. 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."

10. Having regard to the observations made in the aforesaid judgment, the fact that the petitioners were living together as husband and wife prior to their marriage in December, 2022 and thereafter, post their marriage, continue to live together with their two children, aged 6 years and 2 years of age; the report of the Secretary, High Court Legal Services Committee; the report of concerned Officer of the Sohra Police Station; and, the no

objection of the petitioner No. 2, there is no impediment in allowing the petition in the interest of justice.

11. Accordingly, the petition is allowed and the FIR registered with the Sohra Police Station, being FIR No. 5(01) of 2020 and consequently, the proceeding pending before the learned Special Judge (POCSO), Shillong, being Special POCSO Case No. 18 of 2021, are quashed and set aside.

12. Needless to state, that the DCPO, East Khasi Hills District, Shillong as well as the Secretary, East Khasi Hills District, Shillong to extend all such benefits to the petitioner No. 2 and her children as they would be entitled to under the State or Central Government Schemes. The said 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 to ensure that all such benefits are extended to the petitioner No. 2 and her children as may be applicable to them. A support person be also appointed to assist the petitioner No. 2 and her two children in availing all the benefits and in helping the petitioner No. 2 in enrolling for a vocational training course, i.e., in tailoring. In the

event, compensation under the Victim Compensation Scheme is awarded, the same to be kept in a Fixed Deposit till the petitioner No. 2 attains the age of 25 years. However, the petitioner No. 2 will be entitled to quarterly interest on the said amount and will be at liberty to deal with the said amount on attaining the age f 25 years.

14. Rule is made absolute on the aforesaid terms.

15. Petition is disposed of.

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

(**Revati Mohite Dere**)
Chief Justice

Meghalaya
26.11.2026
"Sylvana PS"

Verified
Digitally signed by: SYLVANA LIZ KHARBHIH
Signed On: 26-11-2026 19:12:08 IST