

IN THE HIGH COURT OF MEGHALAYA

Crl. Petn. (SH) No. 19 of 2013

1. Shri. Aditya Geonka,
S/o (L) Kailash Goenka,
R/o Glorys Plaza,
Police Bazar,
Shillong,
East Khasi Hills District,
Meghalaya.

..... **Petitioner**

- versus -

1. The State of Meghalaya
Represented through the
Commissioner & Secretary,
Govt. of Meghalaya,
Home (Police) Department,
Meghalaya.
2. Smti. Tashi Dolma,
W/o Sangay Lama,
R/o Jhalupara,
Shillong,
East Khasi Hills District,
Meghalaya.

..... **Respondents**

Crl. Petn. (SH) No. 20 of 2013

1. Shri. Aditya Geonka,
S/o (L) Kailash Goenka,
R/o Glorys Plaza,
Police Bazar,
Shillong,
East Khasi Hills District,
Meghalaya

..... **Petitioner**

- versus -

1. The State of Meghalaya
Represented through the
Commissioner & Secretary,
Govt. of Meghalaya,
Home (Police) Department,
Meghalaya.
2. Shri. Rajen Chetri,
S/o Bhim Hahadur Chetri,
R/o Punjabi Land,
Bara Bazar,
Shillong,
East Khasi Hills District,
Meghalaya.

..... **Respondents**

**BEFORE
THE HON'BLE MR JUSTICE SR SEN**

Advocates for the Petitioner	:Mr. K Paul :Ms. A Paul :Mr. S Thapa :Mr. S Pandit :Miss H Kristazi :Mr. R Dutta :Ms. L Warjri
Advocates for the Respondents	:Mr. R Gurung, Addl. PP, Meghalaya :Mr. N. Khan for Respondent No. 2
Date of Hearing	:9.04.13
Date of Judgment and Order	:9.04.13

JUDGMENT AND ORDER (ORAL)

Heard Mr. K Paul, the learned counsel on behalf of the petitioner who represents both Crl. Petn.(SH) No. 19 of 2013 and Crl. Petn.(SH) No. 20 of 2013. Since both the cases are similar in nature, they have been taken up for disposal by this common judgment.

2. The learned counsel for the petitioner submits that initially there were a dispute between the petitioner namely Shri. Aditya Goenka and the complainant Shri. Tashi Dolma in Crl. Petn.(SH) No. 19 of 2013 and Shri. Rajen Chetri in Crl. Petn.(SH) No. 20 of 2013 who filed FIRs with the police which were registered as Shillong Sadar PS Case No. 34(3) 2010 in Crl. Petn.(SH) No. 19 of 2013 and Shillong Sadar PS Case No. 35(3) of 2010 in Crl. Petn.(SH) No. 20 of 2013 respectively. There was also a Civil Suit filed before the Asst. District Judge, Shillong. In the meantime, the petitioner and the complainants came to a settlement outside the Court and settled the matter amicably and also pointed out the Settlement Deeds which are at Annexure-2 (Page-16) in Crl. Petn.(SH) No. 19 of 2013 and Annexure-2 (Page-12) in Crl. Petn.(SH) No. 20 of 2013. The learned counsel further argues that since the matter has already been settled between the parties and the offences are not serious in nature, the matter may be quashed.

3. Mr. N Khan the learned counsel for respondent No. 2 in support of the submissions advanced by learned counsel for the petitioner Mr K Paul and prays that the proceeding may be quashed for the interest of justice.

4. On the other hand, Mr. R. Gurung, the learned Addl. PP submits that before quashing the proceeding, nature of the offences may be examined.

5. After hearing the submissions advanced by the learned counsel for the petitioner as well as for the complainants and on perusal of the Compromise Deeds, I find that during pendency of this proceeding, the parties have resolved their differences amicably outside the Court and the matter has been compromised. If so, I do not see any reason on my part to encourage the parties to drag the case further, rather it will create a burden on the parties unnecessarily when the parties themselves do not want to proceed with the proceeding. Section 380 IPC is non-compoundable. Section 482 CrPC has given wide power to the High Court to apply it as and when necessary for the end of justice and to prevent abuse of the process of law.

6. In spite of the compromise made by the parties and prayer for quashing of the proceeding, if I reject the petition, I feel that injustice will be caused to the parties. Therefore, by invoking the power under Section 482 CrPC, I hereby quash both the proceedings.

7. With these observations and directions, both the Criminal Petitions are allowed by this common judgement and order and are accordingly disposed of.

8. The learned Addl. PP is directed to return the CD to the IO concerned immediately.

JUDGE

V. Lyndem.

Crl. Petn. (SH) No. 19 of 2013
Crl. Petn. (SH) No. 20 of 2013