

**THE HIGH COURT OF MEGHALAYA**

**CRIMINAL PETITION NO. 02 of 2014**

Shri Danny Shylla

..... Petitioner

-Versus-

1. State of Meghalaya, Represented by its Secretary,  
Home(Police) Department, Government of Meghalaya
2. Shri Donaldson Kahit, Son of (L) S. Nongkhlaw,  
Resident of R.R.Colony, Rynjah, Shillong-793006

.....Respondents

Shri M. F. Qureshi, Advocate, present for the petitioner

Shri N. D. Chullai, Senior Govt. Advocate, present for the  
Respondent No.1

Date of Judgment and Order 31<sup>st</sup> March, 2014

**JUDGMENT AND ORDER**

**ORAL: HON'BLE PRAFULLA C. PANT, CHIEF JUSTICE**

Heard

2. By means of this petition, moved under Section 482 of the Code of Criminal Procedure 1973, the petitioner has sought quashing of the proceedings of G.R.Case No.79(A) of 2014 State vs. Shri Donaldson Kahit relating to offence punishable under Section 380 IPC, pending in the Court of Judicial Magistrate 1<sup>st</sup> Class Smti. K. M. Lyngdoh Nongbri, Shillong.

3. Heard learned counsel for the parties on record.

4. Brief facts of the case are that the present petitioner(informant/complainant) lodged F.I.R. with the Officer-in-Charge of Rynjah Police Station on 05.11.2013 alleging that a bag containing money to the tune of Rs.78,000/- was missing. He suspected that the respondent No.2 Shri Donaldson Kahit who was his relative, has taken the money. From the papers on record, it further appears that during the investigation, the petitioner(informant/complainant) had requested the Investigating Officer to drop the proceedings and also moved the Court saying that he does not want to proceed with the First Information Report. However, the Investigating Officer submitted charge-sheet against the respondent No.2. Again, the present petitioner appears to have moved before the trial court for dropping the proceedings against the accused respondent No.2 but the same was dismissed as the offence was non-compoundable.

5. Section 320 of the Code of Criminal Procedure provides that offence punishable under Section 379 is

Compoundable offence. The sub Section(2) of Section 320 also makes offence punishable under Section 381 compoundable with the policy of the Court provided the amount involved is not exceeding Rs.2,000/-. No doubt, in the present case, amount is much higher ( Rs.78,000/- involved in the crime ).

6. Section 482 of the Code of Criminal Procedure, 1973 provides that nothing in the Code shall be deemed to limit or effect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under the Code or to prevent abuse of process of any Court or otherwise to secure the ends of justice. No doubt, the present case is not a case of abuse of process of law but it certainly falls in the other category covered under it. In view of the law laid down in Nikhil Merchant vs. Central Bureau of Investigation and another reported in (2008) 9 SCC 677 and Gian Singh vs. State of Punjab and another reported in (2012) 10 SCC 303, even the non-compoundable offence involving money can be quashed under Section 482 Cr.P.C. particularly, when parties have settled the dispute, amicably outside the Court.

7. Therefore, considering above facts and circumstances of the case and in view of the law laid down in Nikhil Merchant Case(supra), this Court is of the view that it is a fit case where this Court can exercise its jurisdiction under Section 482 Cr.P.C. Accordingly, the petition under Section 482 Cr.P.C. is allowed. The proceedings against the respondent No.2 Shri Donaldson Kahit in GR Case No. 79(A) of 2014 ( State vs. Shri Donaldson Kahit ) pending in the Court of Judicial Magistrate 1<sup>st</sup> Class, Shillong Smti. K. M. Lyngdoh Nongbri are hereby quashed to secure ends of justice.

( Prafull C. Pant )  
CHIEF JUSTICE

A.S.  
31.03.2014