

HIGH COURT OF MEGHALAYA

CRIMINAL PETITION NO. 14 OF 2015

1. Smti Suzie Bengonia
Mawkhlieng,
d/o (L) Caius Lyngdoh,
r/o Laitumkhrah, Lumsohna,
East Khasi Hills District,
Shillong.

2. Shri Mohsin Khan,
s/o (L) Wali Dad Khan,
r/o Osmanpura, Chaderghat,
Hyderabad.

::: Petitioners

- Versus -

The State of Meghalaya

::: Respondent

**BEFORE
HON'BLE MR JUSTICE UMA NATH SINGH,
CHIEF JUSTICE**

For the Petitioners

:::Mr R Gurung, Adv.

For the Respondent

:::Mr S Sen Gupta, Addl. Sr.
GA.

Date of hearing

:::17.11.2015

Date of Judgment & Order

:::17.11.2015

JUDGMENT AND ORDER (ORAL)

This petition has been filed under Section 482 CrPC for quashment of FIR No. 59(4) of 2015 registered under Sections 447/345/354(A) IPC at Laitumkhrah Police Station on 17.04.2015 on the ground that the controversy arose out of pre-marital dispute and now the parties have settled their differences and also filed the compromise Deed before the

Judicial Magistrate, First Class. Besides, the complainant girl, namely, Ms Suzie Begonia Mawkhlieng, has also given a similar statement before this Court. The compromise Deed filed before the Magistrate on reproduction would read as :

**“BEFORE THE MAGISTRATE FIRST CLASS, AT SHILLONG
COMPROMISE DEED**

THIS DEED OF COMPROMISE is made on this the 18th day of May, 2015, at Shillong.

-BETWEEN-

Miss Suzie Begonia Mawkhlieng, D/o (L) Caius Lyngdoh, R/o Laitumkhrah, Lumsohra, East Khasi Hills District, Shillong, Meghalaya hereinafter called the FIRST PARTY.

-AND-

Shri Mohsin Khan, S/o (L) Wali Dad Khan, R/o Osmanpura Charderghat, Hyderabad-500024, hereinafter called the SECOND PARTY.

That due to pure misunderstanding, the First Party had made a complaint before the Laitumkhrah Police Station vide FIR dated 17.04.2015 but in spite of the glaring facts as contained in the said FIR the police erroneously registered the case against the Second Party being Laitumkhrah Case No. 59(04) 2015, U/S 447/354/354(A) IPC.

That both the parties were one time lovers and presently in a friendly relationship and have friendly love and care and good wishes for each other as such the parties have voluntarily and out of their own free will agreed to settle the matter amicably among themselves and not to pursue the case any further.

That the First Party considering their previous relationship and also the present friendly relationship hereby agrees as not to pursue the case being GR Case No. 126(S) of 2015 pending for trial before the Court of Chief Judicial magistrate, Shillong.

NOW THIS INDENTURE OF COMPROMISE WITNESSES AS FOLLOWS :-

- 1. That both the parties have resolved and settled their dispute among themselves amicably without any pressure from any quarter whatsoever.*
- 2. That the First Party have voluntarily decided to withdraw the proceeding of GR Case No. 126(S) of 2015 which is pending for adjudication before the Hon'ble Court of law.*
- 3. That both the parties have covenanted to maintain a happy and cordial relationship among themselves henceforth.*
- 4. That this deed of compromise have been executed by both the parties out of their own free will, voluntarily without any undue influence, pressure or coercion from any quarter whatsoever.*

IN VERIFICATION WHEREOF BOTH THE PARTIES SETS THEIR RESPECTIVE HANDS ON THIS INDENTURE IN PRESENCE OF RESPECTABLE WITNESSES ON THE DATE FIRST ABOVE APPEARING.

WITNESSES :-

First Party

Second Party

Authenticated by :

Magistrate First Class, Shillong.”

The statement recorded vide the order dated 11.09.2015 by this Court is also reproduced as :

"11.09.2015

Mr. R. Gurung, learned counsel, appears for the petitioner.

Mr. S. Sen Gupta, learned GA, represents the State respondents.

Towards the last order dated 04.09.2015, petitioner No. 1, Ms. Suzie Begonia Mawkhlieng, is present in Court. She makes a statement that she is daughter of (Late) Caius Lyngdoh, aged about 23 years. She also states that during the course of study in Nursing at Hyderabad, she met petitioner No. 2 and she developed pre-marital love affairs with him, but on account of some misunderstanding and harassment caused by him (petitioner No. 2), who also travelled to Shillong in pursuit, she lodged FIR No. 59 (04) of 2015 under Section 447/354/354 (A) IPC at Laitumkhrah Police Station on 17.04.2015. Petitioner No. 1 further states that the dispute was settled with the intervention by family members of both the parties and they finally appeared before the Judicial Magistrate, First Class, to execute a Compromise Deed (Annexure II). Now, petitioner No. 1 wants the matter to end and she is not interested to pursue it further. However, as learned counsel for the petitioners, Mr. R. Gurung, prays for time to correct the cause title where petitioner No. 1 has been mentioned as Smti, the matter is adjourned for 2 (two) weeks. Petitioner No. 1 is not required to be present further in Court. Let the statement be signed by petitioner No. 1 in Court itself. List on 28.09.2015".

2. It appears from the statement that the complainant is not at all interested to pursue the matter and the impugned dispute has been settled with the intervention by the family elders of both the parties.

3. Hon'ble the Apex Court in ***Gian Singh v. State of Punjab and Another, reported in (2012) 10 SCC 303***, has held that inherent power of High Court under Section 482 CrPC is distinct and different from power of a criminal court for compounding offences under Section 320 CrPC. In cases where the parties have settled their disputes and there is a

remote possibility of conviction if the trial proceeds, where the Court finds it unfair and contrary to the interest of justice to continue with the criminal proceedings and where continuation of the criminal proceedings would tantamount to abuse of process of law, in order to secure the ends of justice, the High Court can put an end to the pending proceedings by quashing them under Section 482 CrPC.

4. In a later judgment in ***Narinder Singh and others v. State of Punjab and Another, reported in (2014) 6 SCC 466***, the Hon'ble Apex Court vide para 29, has held that the criminal cases having overwhelmingly and predominantly civil character, particularly, those arising out of commercial transactions or matrimonial relationship or family disputes, should be quashed if the parties have resolved their entire disputes among themselves. In view of the law well settled on this point, the FIR as aforesaid and the proceedings arising therefrom deserve to be quashed. As such, FIR and the pending proceedings connected therewith are hereby quashed.

5. Thus, this criminal petition stands allowed.

CHIEF JUSTICE

dev