

THE HIGH COURT OF MEGHALAYA AT SHILLONG.

CRL.PETN. No. 9 of 2016

Shri Namseng Ch. Marak
Son of Shri Lakkason R. Marak
Resident of Rongbakgre
Village, Tura, West Garo Hills,
Meghalaya.

... Petitioner

-Versus-

1. State of Meghalaya, represented
by the Secretary, Ministry of
Home, Government of Meghalaya.
2. Director General of Police,
Meghalaya, Shillong.
3. Superintendent of Police, West
Garo Hills District, Tura,
Meghalaya.
4. Officer-in-Charge, Tura Police
Station, Tura, West Garo Hills
District, Meghalaya

... Respondents

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

For the Petitioner : Mr. H.R. Nath, Adv.

For the Respondent s : Mr. N.D. Chullai, Sr. GA
& Mr. B. Khyriem, GA.

Date of hearing : **29.03.2016**

Date of Judgment & Order : **29.03.2016**

JUDGMENT AND ORDER (ORAL)

The petitioner's case in a nutshell is that:

"The Petitioner is a citizen of India and is a resident of Rongbakgre village, West Garo Hills District, Meghalaya. The one Shri Nojen B.

Marak lodged a First Information Report (FIR) with the Tura Police Station, Tura, West Garo Hills, on 08.02.2016, which was registered as Tura P.S. Case No. 21(2) 2016, under sections 449/451/452/457/307/34 of the Indian Penal Code in respect of an alleged incident supposed to have taken place on 20.10.2014 that the Nokma, Shri Jonen R. Marak along with others carrying lethal weapons tried to burn down his house on the pretext of practicing witchcraft.

The alleged incident took place on 20.10.2014 and the FIR filed on 08.02.2016 after a lapse of 16 months.

The only explanation given by the Complainant that he did not file the FIR due to lack of knowledge to redress the grievances, which is not at all a cogent and tenable explanation in the eye of law. The complainant lodged the impugned FIR with an intention to arrest the people of the village in a massive manner. Hence this Petition”.

2. Heard Mr. H.R. Nath, learned counsel appearing on behalf of the petitioner who submits that in this instant case the allegation made by the complainant in the FIR dated 08.02.2016 is totally false. The petitioner never made such an attempt to declare the complainant as a witchcraft practitioner who ostracized the victim from the village.

3. On the other hand, Mr. N.D. Chullai, learned Sr. GA assisted by Mr. B. Khyriem, learned GA is present alongwith the I/O concerned and also produced the C.D and submits that it is the petitioner who instigated the villagers to ostracize the victim from the village and leveled the allegation against him and his family as Black Magicians/Witchcraft practitioner. As a result, the victim's house was attacked and they had to run for their lives. The submission advanced by the learned Sr. GA has also been endorsed by the I/O S.I. Zosan Edwin Rowland Thieite.

4. After hearing the submissions advanced by the learned counsel for the parties and on perusal of the FIR and other related documents placed before me, it is really shocking to me that, in this modern world in the year 2016 people still believed in Black Magic and other absurd practice. It is also a fact that in the past in the State of Meghalaya many families has been ostracized and even killed in the name of Black Magic/Witchcraft, but till date no one has been booked under law. The time has come that law should intervene with an iron hand and to punish those who are spreading the news of Black Magic or Witchcraft.

5. Therefore, after considering the pros and cons and the facts and circumstances of the case, I am of the considered view that, if I apply the power under Section 482 Cr.P.C and quash the FIR it will encourage some other troublemaker to do harm to many other innocent people in our State in particular and the country as a whole. Thus, I am not inclined to consider the petition. Hence, the petition stands dismissed and disposed of.

6. Court Master is directed to return the C.D to the I/O concerned.

7. Accordingly, the matter stands dismissed and disposed of.

JUDGE

D. Nary