

**Serial No. 21**  
**Regular List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

Crl.Petn. No. 9 of 2023

Date of Decision: 28.06.2023

Shri. Larius Kharkrang

Vs.

State of Meghalaya & 5 Ors.

**Coram:**

**Hon'ble Mr. Justice W. Diengdoh, Judge**

**Appearance:**

For the Petitioner/Appellant(s) : Mr. N. Syngkon, Adv.

Ms. L. Phanjom, Adv.

For the Respondent(s) :

Mr. R. Gurung, GA. with

Ms. S. Shyam, GA. for R 1 & 2.

Ms. A.P. Kharsahnoh, Adv. for R 3-6.

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| i)  | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press:           | Yes/No |

**JUDGMENT (ORAL)**

1. Heard Mr. N. Syngkon, learned counsel for the petitioner as well as Mr. R. Gurung, learned GA for the State respondents No. 1 & 2 and Ms. A.P. Kharsahnoh, learned counsel for the respondents No. 3-6.

2. This is a case as presented by the petitioner which would appear unique, if not comical to the extent that the petitioner has asserted that he was accused of stealing his own goods and was charged under Section 380 IPC. The prosecution would defer with such contention and would say that

the report of the Investigating Officer (I/O) would show that the petitioner was involved in a case of theft and should be prosecuted in accordance with law.

3. The respondents No. 3-6, in the meantime, were the complainants who has brought the fact of the theft to the notice of the police by way of an FIR dated 08.05.2012, consequent to which Laban P.S. Case No. 40 (5) of 2012 under Section 380 IPC was registered.

4. The version of the petitioner is that he as the former Chairman of the AEC (Area Employment Council) of Mawkahiar Village in the East Khasi Hills District, had purchased certain materials including rods, cements, etc. for the purpose of construction of the AEC building. In the meantime, in course of the construction process, the said building materials were left at the construction site exposed to the elements which prompted the petitioner to secure them for safekeeping. The complainant, noticing that the said materials were not in the place they ought to be, had assumed that theft has occurred and naturally, the petitioner was the prime suspect of the same. Hence, the FIR.

5. The matter being investigated into, the I/O had on conclusion of investigation found a prima facie case under Section 380 IPC well established against the accused/petitioner herein and he was directed to stand trial for the same. In course of the proceedings before the Trial Court,

the petitioner has now approach this Court with this instant application under Section 482 Cr.P.C, seeking indulgence of this Court for exercise of its inherent power to quash the said FIR and to set aside and quash the subsequent proceedings, which by now has culminated in registration of G.R. Case No. 185 (A) of 2012 pending before the Court of the learned Magistrate First Class, Subordinate District Council Court at Shillong.

6. Without going into the merits of the matter which would entail appreciation of evidence and the materials on record, which evidence has not yet been recorded, suffice it to say that the petitioner has approached this Court as aforesaid along with the support of the complainant, who as submitted through the learned counsel are now assured that it was a case of a mistaken notion and actually, there was no theft involved.

7. The respondents No. 3-6 respectively had even approached the concerned authority, including the Court of the learned Magistrate First Class, Subordinate District Council Court at Shillong, seeking compounding of the offence to settle the matter amicably with the petitioner.

8. The case in hand, in the opinion of this Court not involving an offence of heinous in nature, the submission of the parties at the bar would be adequate to convince the Court that a case for grant of the prayer made by the petitioner is well founded. In fact, since the parties have come to an

understanding and compromise amongst themselves, this Court relying on the authority of the case of *Narinder Singh & Ors v. State of Punjab & Anr: (2014) 6 SCC 466*, at para 29.1, 29.2, 29.3, 29.4 & 29.5 would agree that it would be a futile exercise for the proceedings to go on in the event the complainant would desist from proceeding further with their complaint. Para 29.1, 29.2, 29.3, 29.4 & 29.5 of the judgment which are relevant are quoted herein below:

“29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

- (i) ends of justice, or
- (ii) to prevent abuse of the process of any Court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

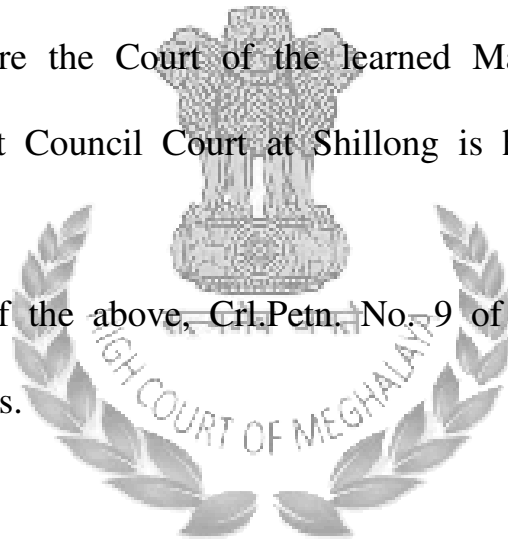
29.4. On the other, those criminal cases having overwhelmingly and predominantly civil character, particularly

those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.”

9. Accordingly, the petition is allowed and consequently, the FIR dated 08.05.2012 as well as the proceedings in G.R. Case No. 185 (A) of 2012 pending before the Court of the Learned Magistrate First Class, Subordinate District Council Court at Shillong is hereby set aside and quashed.

10. In view of the above, Crl.Petn. No. 9 of 2023 is accordingly disposed of. No costs.



**Judge**

Meghalaya  
28.06.2023  
"D. Nary, PS"