

Serial No. 09
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn. No. 19 of 2018

Date of Order: 28.02.2023

Biotechnologies Inc. & Anr. Vs. Shri. Pankaj Kanti Das

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	:	Ms. C.B. Sawian, Adv. vice Mr. K.Ch. Gautam, Adv.
For the Respondent(s)	:	Ms. R. Kharmawlong, Adv. vice Mr. K. Paul, Sr. Adv.

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

ORAL:

1. Heard learned counsels for the parties who have submitted that the matter of dispute between the parties have been finally resolved and a Deed of Settlement in this regard has been filed.

2. In view, and in terms of the settlement arrived at between the parties which has been reduced into writing in the said Deed of Settlement dated 18.02.2023, the learned counsel for the petitioner has submitted that the proceedings before the Court of the learned Judicial Magistrate First Class at Shillong being C.R. Case No. 628 (S) of 2017 under Section

420/418/406/120-B IPC which is at the stage of summons being issued to the petitioner may be quashed.

3. This Court on perusal of the said Deed of Settlement is of the considered opinion that the main area of dispute and grievance between the parties have been amicably settled and as such, it would be a futile exercise for the proceedings before the Court of the learned Judicial Magistrate First Class at Shillong to continue. In any case, the matter is only at the stage of summoning of the petitioner and no formal charges have been framed.

4. The Hon'ble Supreme Court in the case of *Narinder Singh & Ors v. State of Punjab & Anr: (2014) 6 SCC 466* at para 29.1 & 29.2 has observed that:

“29.1. Prayer 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.”

5. In this view of the matter, this Court is persuaded to allow the prayer of the parties. Accordingly, the said Deed of Settlement is brought on record and the prayer made in this petition is allowed.

6. In the light of the above, the proceedings in C.R. Case No. 628 (S) of 2017 pending before the Court of the learned Judicial Magistrate First Class at Shillong is hereby quashed.

7. Petition disposed of.

Judge

Meghalaya
28.02.2023
"D. Nary, PS"

