

**Serial No. 01**  
**Regular List**

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

Crl. Petn. No. 69 of 2022

Date of Decision: 28.06.2023

Saroj Ganeriwal

Vs.

State of Meghalaya & Anr.

**Coram:**

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

**Appearance:**

For the Petitioner/Appellant(s) : Dr. N. Mozika, Sr. Adv. with  
Ms. R. Fancon, Adv.

For the Respondent(s) : Mr. S. Chanda, Adv. vice  
Mr. K. Paul, Sr. Adv. (For R 2)

**ORDER (ORAL)**

1. Heard learned counsels for the parties.
2. Dr. N. Mozika, learned Sr. counsel, appearing for the petitioner has submitted that according to the direction of this Court, the parties have eventually come to a settlement of the dispute and has also executed a Family Settlement & Divorce and Alimony Agreement primarily between the respondent No. 2 herein and her husband who is, however, not part of these proceedings. In the said agreement reference has been made to the many cases

involving different parties which were filed by one or the other before the various courts. In the context of this petition, the learned Sr. counsel has drawn the attention of this Court to what was stated at clause 5 (d) of the said agreement wherein the respondent has assured that she will withdraw all proceedings filed by her or any member of her family at Serial No. 1 of sub clause (d).

3. Reference has been made to GR Case No. 8 of 2022 pending before the court of the learned Judicial Magistrate First Class, Tura, West Garo Hills District. Therefore, in the light of the contents of this agreement specifying direct reference to the case in hand, the learned Sr. counsel has submitted that this Court may be pleased to pass necessary orders under Section 482 Cr.P.C to quash the proceedings before the said Trial Court.

4. Learned counsel for the respondent No. 2 has concurred with the submission so made and has also assured the Court that the said settlement has been made bonafide and the assurance and commitment given therein will be duly complied with by the respondent No. 2 as far as her part is concerned.

5. This Court on consideration of the submission made, without going into the merits of the matter would deem it proper to say that on the parties having come to an understanding and having executed the said Family

Agreement, copy of which is brought on record today, in view of the authority found in the case of *Narinder Singh & Ors. v. State of Punjab & Anr*: (2014) 6 SCC 466, it would appear that continuation of the proceedings before the said Trial Court would no longer be necessary. The relevant paras of the abovementioned case is reproduced as follows:

*“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:*

*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.*

*29.4. On the other hand, 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.”*

6. In view of the above, this Court deems it fit and proper to allow the prayer made and accordingly, the proceedings in GR Case No. 8 of 2022 pending before the Court of the learned JMFC, Tura is hereby quashed.

7. Petition disposed of. No costs.

**Judge**

Meghalaya  
28.06.2023  
"Tiprilynti-PS"

