



Serial No.29
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn No.9 of 2025

Date of Order: 30.06.2025

1. Shri. Halbringston Masharing Vs. **1.** State of Meghalaya, represented by
S/o- Shri Armstrong Mangu the Chief Secretary Govt. of
R/o- Khlawblei Umpowin Village Meghalaya, Shillong.
Ri-Bhoi District, Meghalaya.

2. Shri Doston Masharing. **2.** Officer-in-Charge, Umiam Police
S/o (L) S. Lamare Station, Ri-Bhoi District, Meghalaya
R/o Umpowin Pdeng Village,
Ri-Bhoi District, Meghalaya. **3.** The Investigating Officer, Umiam
Police Station, Ri-Bhoi District,
Meghalaya.

.....Petitioners.

.....Respondents.

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Ms. P. Riahtam, Adv.
For the Respondent(s) : Mr. N. Syngkon, GA (R: 1 - 3)

JUDGMENT AND ORDER (ORAL)

1. Heard Ms. P. Riahtam, learned Counsel appearing for the petitioners and Mr. N. Syngkon, learned GA appearing for the respondent Nos. 1 – 3.

2. This criminal petition is filed seeking quashing of the G.R. Case No.71 of 2023 under Sections 279, 337, 338, 427 and 304A of the Indian



Penal Code arising out of the FIR dated 11-05-2022 pending in the Court of the Chief Judicial Magistrate at Nongpoh.

3. The petitioner No.1 is the accused person and the petitioner No.2 is the complainant in G.R. Case No. 71 of 2023. The instant petition is filed before this Court jointly by the petitioner No.1 and the petitioner No.2 by asserting that both of them have settled/compromised the matter and the petitioner No.2 is not interested to pursue any criminal proceeding against the petitioner No.1. The deposition of the petitioner No.2 adduced before the Trial Court wherein it was stated that the matter had been settled between the parties, was made the prime basis of filing of this instant petition. In addition, during the pendency of the matter, by the additional affidavit dated 23-06-2025, a compromise deed dated 06-06-2025 entered into between the petitioner No.1 and the petitioner No.2, was brought into the record of this Court.

4. The fact of the case, as can be revealed from the materials on record is that on 11-05-2022, the vehicle bearing registration No. ML10 C 1643 (Mahindra Supro HD Mini Truck) driven by the petitioner No.1 met with an accident with another vehicle bearing registration No. ML10 C 0596 (Alto) which resulted in death of one (Late) Samjingshai Masharing (brother of the petitioner No.2). Consequently, the FIR dated 11-05-2022 was lodged by the petitioner No.2 before the Umiam police station. Upon completion of the investigation, a charge-sheet vide charge-sheet No.19/2023 dated 31-07-2023 under Sections 279, 337, 338, 427, 304A IPC was submitted against the petitioner No.1 in the matter. Thereafter, the G.R. Case No. 71 of 2023 was initiated against the petitioner No.1 which is now pending trial before the Court of the Chief Judicial Magistrate, Nongpoh. The case of the petitioners is that immediately after



the incident, the petitioners No.1 & 2, being related to each other and residing in the same village, have settled the matter amicably as the occurrence of the accident was due to bad weather and not because of the rash and negligent driving the petitioner No.1. Since, Sections 279, 304A IPC are non-compoundable offence, the petitioners have no other remedy but to approach this Court seeking quashing of the G.R. Case No. 71 of 2023.

5. Ms. P. Riahtam, learned Counsel for the petitioner submits that the offences involved are purely private in nature having no bearing on the general law and order situation of the State and there is no involvement of any public element in the matter. The learned Counsel submits that the occurrence of the accident on 11-05-2022 was an unfortunate incident without intention or fault of any of the parties involved therein and, hence, the criminal proceeding initiated against the petitioner No.1 needs to be closed. She further submits that both the petitioners are related to each other and residing in the same village and the petitioner No.2 does not desire to press the criminal proceeding against the petitioner No.1. She submits that the petitioner No.2 did not lodge the FIR to make any allegation against the petitioner No.1, but only for the purpose of fulfilling the legal requirement. The learned Counsel contends that since the petitioners have voluntarily settled the matter, no meaningful purpose will be served by allowing the criminal proceeding to continue before the Trial Court and prays for quashing of the same. In support of her submission, the learned Counsel has placed reliance on the decision of this Court in *Crl. Petn. No. 63 of 2024, Shri Wisterly Mawrie Vs. State of Meghalaya & Ors.* wherein in the similar facts and circumstances of the present case, the criminal proceeding pending before the Trial Court had been quashed on



the basis of the order dated 16-03-2021 passed in *Crl. Petition No. 11 of 2021* and order dated 01-10-2021 passed in *Crl. Petition No.34 of 2021*.

6. Mr. N. Syngkon, learned GA appearing for the State-respondent Nos. 1 – 3 does not object to the prayer made on behalf of the petitioners and submits that discretion of this Court be applied and necessary order be passed in the matter.

7. From the submissions made and from the materials on record, it is clear that FIR dated 11-05-2022 was lodged by the petitioner No.2 after the accident which resulted in death of his brother. After completion of the investigation and filing of the charge-sheet, the G.R. Case No. 71 of 2023 was initiated against the petitioner No.1 in the Court of the Chief Judicial Magistrate, Nongpoh which is now pending for trial. A perusal of the deposition of the petitioner No.2 recorded during the course of the trial on 11-12-2024 reveals that the petitioner No.1 is the uncle of the petitioner No.2 and that after the funeral of the deceased, the family members of both the petitioners have settled the matter. It is also apparent that during the pendency of the matter, the petitioner No.1 and the petitioner No.2 have entered into a compromise deed dated 06-06-2025 voluntarily out of their own free will and decided not to pursue the criminal case pending before the Trial Court. Thus, there appears to be no doubt insofar as settlement/compromise of the matter between the petitioner No.1 and the petitioner No.2 is concerned.

8. In the decision of *Shri Wisterly Mawrie(supra)* relied on by the learned Counsel for the petitioner, this Court had allowed quashing of a proceeding under Sections 279, 337, 338, 427, 304A IPC. There is no dispute between the parties before this Court that the facts and situations



involved in the present case is similar and identical to the facts and situations involved in the case of *Shri Wisterly Mawrie(supra)*. Hence, this Court finds no reason to decline the prayer made by the petitioners.

9. Resultantly, the further proceeding of G.R. Case No. 71 of 2023 under Sections 279, 337, 338, 427, 304A IPC pending in the Court of Chief Judicial Magistrate, Nongpoh is quashed.

10. The criminal petition stands allowed.

Judge

Meghalaya
30.06.2025
"Biswarup PS"