



Serial Nos. 03 to 06
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn. No. 96 of 2021 with
Crl.Petn. No. 97 of 2021
Crl.Petn. No. 58 of 2021
Crl.Petn. No. 59 of 2021

Date of Decision: 13.04.2022

Smti. Wenje P. Marak	Vs.	State of Meghalaya & 2 Ors.
Smti. Wenje P. Marak	Vs.	State of Meghalaya & 2 Ors.
Smti. Sneha P.D. Sangma	Vs.	State of Meghalaya & 2 Ors.
Shri. Challang Ch. Momin	Vs.	State of Meghalaya & 2 Ors.

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

In Crl.Petn. No. 96 & 97 of 2021

For the Petitioner/Appellant(s)	:	Mr. K.Ch. Gautam, Adv.
For the Respondent(s)	:	Ms. I. Lyngwa, GA. for R 1 & 2. Mr. S. Jindal, Adv. for R 3.

In Crl.Petn. No. 58 & 59 of 2021

For the Petitioner/Appellant(s)	:	Mr. S. Jindal, Adv.
For the Respondent(s)	:	Ms. I. Lyngwa, GA. for R 1 & 2. Mr. K.Ch. Gautam, Adv. for R 3.

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

1. Heard Mr. K.Ch. Gautam, learned counsel for the petitioner who has submitted that the petitioner being aggrieved by the action of the respondent



No. 3, Smti. Sneha P.D. Sangma who has lodged an FIR against her, the same being registered as Tura Women P.S. Case No. 28 (4) of 2021 under Section 506/509 IPC, has approached this Court with a petition under Section 482 Cr.P.C with a prayer to quash the proceedings arising out of the said case.

2. Similarly, another application under Section 482 Cr.P.C was preferred before this Court, the prayer being to set aside and quash the criminal proceedings in Tura Women P.S. Case No. 29 (4) of 2021 under Sections 506/509 IPC which was set in motion on the basis of an FIR lodged by Shri. Challang Ch. Momin, the respondent No. 3 in Crl.Petn. No. 97 of 2021.

3. Mr. Gautam has further submitted that the petitioner herein i.e. Smti. Wenje P. Marak was also arrayed as respondent No. 3 in Crl.Petn. No. 58 of 2021 which is an application under Section 482 Cr.P.C filed by Smti. Sneha P.D. Sangma, the subject matter of criminal proceedings in Tura Women P.S. Case No. 27 (04) of 2021 under Sections 323/506 IPC registered on the lodgment of an FIR by the said Smti. Wenje P. Marak.

4. Another similar application under Section 482 Cr.P.C was also preferred by Shri. Challang Ch. Momin being Crl.Petn. No. 59 of 2021 which was filed with a prayer to set aside and quash the criminal proceeding in Tura Women P.S. Case No. 27 (04) of 2021 under Sections 323/506 IPC.

5. Mr. Gautam has submitted that the cases mentioned above are similar and related, inasmuch as, it amounts to filing of FIR and counter FIR between the parties herein which has resulted in the proceedings in the respective criminal cases. The parties involved in these criminal proceedings are arrayed as petitioners in some matters and respondents in some other matters.



6. In course of these proceedings, the parties have come to an understanding and has accordingly decided to settle their differences amicably and to this effect, a Deed of Settlement has been executed between all the parties involved and which Deed of Settlement dated 05.03.2022 has been brought on record by way of an affidavit.

7. Since the parties have settled their differences in totality, Mr. Gautam has submitted that this Court exercising its inherent power under Section 482 Cr.P.C may be pleased to direct that the proceedings between the parties in G.R. Case No. 99/2021 relatable to Crl.Petn. No. 96 of 2021, G.R. Case No. 118/2021 relatable to Crl.Petn. No. 97 of 2021 and G.R. Case No. 76/2021 relatable to Crl.Petn. No. 58 and 59 of 2021 pending before the Court of the learned Chief Judicial Magistrate, Tura be set aside and quashed.

8. Mr. S. Jindal, learned counsel for the respondent No. 3 in Crl.Petn. No. 96 and 97 of 2021 and also appearing for the petitioner in Crl.Petn. No. 58 and 59 of 2021 has endorsed the submission made by Mr. Gautam, learned counsel and has also confirmed that the parties have indeed reached a settlement in the matter as is evident from the said Deed of Settlement and as such, it would be futile for the criminal proceedings to continue before the Court of the learned Chief Judicial Magistrate, Tura and the same may be set aside and quashed.

9. Ms. I. Lyngwa, learned GA appearing for the State respondents No. 1 & 2 in all the related cases mentioned above pending before this Court has submitted that the State respondents has no objection to the settlement and agreement arrived at between the parties herein.



10. On consideration of the submission made, this Court at the outset would deem it fit and proper to pass a common order in the cases mentioned above which are pending before this Court as the same are related and connected to the subject matter of dispute between the parties, particularly to the allegations made in the FIR and counter FIR lodged by the respective parties.

11. In the case of *Narinder Singh v. State of Punjab: (2014) 6 SCC 466*, at paragraphs 29, 29.2 and 29.5, the Hon'ble Supreme Court has held 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.

29.5. 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.”

12. In the light of what was held by the Hon'ble Supreme Court as mentioned above, in the facts and circumstances of the cases between the parties, this Court is of the considered opinion that by allowing the criminal proceedings to continue before the Trial Court, the same would indeed be



futile and would result only in a waste of judicial time and resources.

13. Accordingly, the prayer of the parties is hereby allowed. All the connected and related criminal proceedings mentioned above, including the related FIRs pending before the Court of the learned Chief Judicial Magistrate, Tura are hereby set aside and quashed.

14. Matters disposed of accordingly by this common order.

Judge

Meghalaya
13.04.2022
"D. Nary, PS"

