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**(2025) 06 MEG CK 0374**  
**In the Meghalaya High Court**  
**Case No : Criminal Petition No. 125 Of 2023**

Andrew A Jyrwa

APPELLANT

Vs

State Of Meghalaya & Ors.

RESPONDENT

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**Date of Decision :** 27-06-2025

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 107, 145

**Citation :** (2025) 06 MEG CK 0374

**Hon'ble Judges :** B. Bhattacharjee, J

**Bench :** Single Bench

**Advocate :** N. Syngkon, S. Sen

**Final Decision :** Allowed

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## Judgement

B. Bhattacharjee, J

By this criminal petition, the petitioner has challenged the order dated 06-11-2023 passed in C.R. Case No. 73(A) 2022, under Section 145/107 Cr.P.C by the Executive Magistrate, East Khasi Hills District, Shillong and also prayed for quashing of the entire proceeding pending before the learned Executive Magistrate.

1. The fact narrated in the present petition reveals that the petitioner is holding the office of the Headman of the Laitumkhrah Dorbar Shnong Pyllun. Due to the dispute between the Laitumkhrah Dorbar Shnong and the respondent No.5 over a plot of land known as "Madan Iewrynghep", the respondent No. 5 filed WP(C) No. 519 of 2022 before this High Court. By order dated 15-02-2023, the High Court did not entertain the writ petition and observed that the matter involved title dispute between the contesting parties requiring adjudication by a competent civil court. On appeal, a Division Bench of this High Court by order dated 09-06-2023 passed in WA No. 5/2023 declined to interfere with the order dated 15-02-2023 and further directed that status quo should be maintained in the sense that the land in question would be permitted to be used as a play

ground and, in very exceptional case, subject to the previous permission of the Deputy Commissioner, the odd fair may be allowed, but that should not exceed more than two a year till such time that the dispute as to title was resolved by the appropriate forum. It was provided that if no suit was instituted in respect of the land within a period of three months, the order dated 12-11-2022 of the Deputy Commissioner, which was the subject matter of challenge in the writ petition, would hold the field. Subsequently, the T.S. No. 30 of 2023 along with Misc. Case No. 77 of 2023 was instituted by the respondent No.5 in respect of the land in question before the Subordinate District Council Court, Shillong. The learned Trial Court by order dated 09-11-2023 directed the parties to abide by the stipulations made in the order dated 09-06-2023 passed in WA No. 5/2023. In the midst of all this development, the learned Executive Magistrate, Shillong passed the impugned order dated 06-11-2023 in CR Case No. 73 (A)2022 u/S 145/107 Cr.P.C which is under challenge in this revision petition.

2. Mr. N. Syngkon, learned Counsel for the petitioner submits that the impugned order dated 06-11-2023 was passed by the Executive Magistrate mechanically without realizing the fact that the petitioner is not involved in the matter in his personal capacity. He submits that the petitioner is only discharging his role as the Headman to protect the interest and welfare of the locality and, in such a situation, the passing of the order dated 06-11-2023 is totally uncalled for and unwarranted. He further submits that as there is already a civil suit pending between the petitioner and the respondent No.5 involving the land in question, there is no requirement of continuation of CR Case No. 73 (A)2022. By placing reliance on the decision of the Apex Court dated 01-11-2022 in Mohd. Abid & Ors. Vs. Ravi Naresh & Ors., the learned Counsel submits that once there is a proceeding pending in the civil court concerning a particular plot of land, any proceeding u/S 145/107 Cr.P.C initiated in respect of the same plot of land must come to an end. He, therefore, submits that no meaningful purpose would be served by allowing the proceeding of C.R. Case No. 73(A) 2022, u/S 145/107 Cr.P.C to continue and prays for quashing of the same.

3. Mr. S. Sen, learned GA, on the other hand, does not dispute the submissions advanced on behalf of the petitioner. He submits that since there is already a civil suit pending between the petitioner and the respondent No.5 and some sort of interim direction has been passed in the said civil suit, the State-respondent will not have any objection if the proceeding of C.R. Case No.73(A) 2022 comes to an end.

4. None appears for the respondent No.5.

5. On consideration of the submissions made by the learned Counsel for the parties and on perusal of the materials on record, it transpires that pursuant to the order dated 09-06-2023 passed in WA 5/2023 the respondent No.5 instituted T.S. No. 30 of 2023 along with Misc. Case No. 77 of 2023 before the Subordinate District Council Court, Shillong laying her claim over the plot of land known as "Madan Iewrynghep". The Dorbar Shnong Laitumkhrah has been arrayed as a

party defendant to the said suit. It also appears that an interim order dated 09-11-2023 has also been passed in the Misc. Case No. 77 of 2023. Therefore, it is clear that the dispute between the parties stands seized by the civil court. Since, the controversy between the parties over the suit land is pending for adjudication in the civil suit, legally there is no requirement of a parallel proceeding u/S 145/107 Cr.P.C.

6. The Apex Court in Mohd. Abid & Ors. (supra) at para 4 held: -

“4. It is, however, an admitted fact that the petitioners have already filed a suit for injunction in which ex-parte ad interim injunction has been granted by the Civil Court, Faizabad, Uttar Pradesh on 05.12.2020. Once the Civil Court is seized of the matter, it goes without saying that the proceedings under Section 145/146 Cr.P.C. cannot proceed and must come to an end. The inter se rights of the parties regarding title or possession are eventually to be determined by the Civil Court.”

7. It follows from the above that dispute with regard to the title or possession between the parties is eventually to be determined by the civil court. Hence, this Court finds it fit to allow the prayer made by the petitioner in this case. Resultantly, the order dated 06-11-2023 passed by the learned Executive Magistrate, East Khasi Hills District, Shillong and the entire proceeding of the C.R. Case No. 73(A) 2022 u/S 145/107 Cr.P.C. stands quashed.

8. The criminal petition stands allowed.