

**(2016) 10 MEG CK 0003**  
**In the Meghalaya High Court**  
**Case No : Criminal Petn. No. 34 of 2016**

Shri Philip Liu

APPELLANT

Vs

State of Meghalaya

RESPONDENT

**Date of Decision :** 25-10-2016

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 482  
Penal Code, 1860 (IPC) — Section 325, Section 498A

**Citation :** (2017) 170 AIC 406 : (2017) 2 NEJ 296

**Hon'ble Judges :** Mr. Ved Prakash Vaish, J.

**Bench :** Single Bench

**Advocate :** Mr. N.D. Chullai with Mr. S. Sen Gupta and S.I. Gita K. Sangma, Advocates, for the Respondents; Mr. N. Khera, Advocate, for the Petitioners

**Final Decision :** Disposed off

## Judgement

Mr. Ved Prakash Vaish, J.(Oral) - This is a petition under Section-482 of the Code of Criminal Procedure, 1973 for quashing of F.I.R. dated 28.04.2014 registered as Laitumkhrah P.S. Case No. 64 (4) of 2014 U/S 325/498A I.P.C., Charge Sheet No. 37 of 2014 dated 12.06.2014 and Criminal Proceeding being registered as G.R. No. 172 (S) of 2014.

2. The facts of the case, as set out in the petition are that both the petitioners came into contact with each other in the year 2002, they started cohabiting together since the year 2003 and they were also married, until the said marriage was mutually dissolved by Judgment dated 17.09.2015 and Decree dated 28.10.2015 in Divorce Mat Suit No. 20 (T) of 2015 passed by learned Additional Deputy Commissioner (Judicial), Shillong.

3. It is also stated by the petitioners that two minor children namely, Ms. Anny Liu and Mr. Ivan Liu were born during the subsistence of marriage. Due to temperamental differences etc. the petitioners could not live together and their relationship deteriorated. It is also stated that the petitioner No. 1 filed a Divorce Suit bearing Mat (Div) Case No. 28 (T) of 2006 and after reconciliation, the

petitioner No. 1 withdrew the said suit on 07.12.2007. Thereafter, the petitioner again stayed together as husband and wife for few years. Eventually, their relationship worsened which resulted to various heated arguments which took place on 13.04.2014. The petitioner No. 2 under some wrong influence in the heat of moment lodged an F.I.R. dated 28.04.2014 before Laitumkhrah Police Station which was registered as Laitumkhrah P.S. Case No. 64 (4) of 2014 U/S 325/498A I.P.C. and the petitioner No. 1 was arrested. Thereafter, Charge Sheet No. 37 of 2014 under Section 325/498A I.P.C. was filed which is pending before the Judicial Magistrate First Class, Shillong.

4. It is further stated that the petitioner No. 2 had also filed a petition for dissolution of marriage being Divorce Suit No. 28 (T) of 2014 and Maintenance Misc. Case No. 5 (T) of 2014. Thereafter, both the petitioners decided to mutually filed a petition for dissolution of their marriage. An application dated 19.06.2015 for dissolution of their marriage by mutual consent was filed bearing Divorce Suit No. 20 (T) of 2015 and the said petition was allowed vide Judgement dated 17.09.2015 and Decree dated 28.10.2015 passed by learned Additional Deputy Commissioner (Judicial), Shillong.

5. It is also stated that the petitioner No. 2 does not wish to pursue with the F.I.R. and expressed her desire to withdraw the said case against the petitioner No. 1.

6. Ms. Asha Liu aka Asha Gurung who is the complainant confirms that decree of mutual divorce has already been granted by learned Additional Deputy Commissioner (Judicial), Shillong vide Judgement dated 17.09.2015 and decree dated 28.10.2015. The petitioner No. 2 also confirms that she has amicably settled the dispute with the petitioner No. 1 and she does not want to pursue with the present F.I.R. dated 28.04.2014 registered as Laitumkhrah P.S. Case No. 64 (4) of 2014 U/S 325/498A I.P.C.

7. The complainant/petitioner No. 2 namely, Ms. Asha Liu aka Asha Gurung, who is present in Court today, has been identified by her counsel as well as I.O. S.I. Gita K. Sangma.

8. Mr. ND Chullai, learned senior GA appearing on behalf of the State submits that since it is a matrimonial dispute, he has no objection if the F.I.R. in question and proceeding there form are quashed.

9. In the case of "K. Srinivas Rao v. D.A. Deppa, (2013) 5 SCC 226" Hon"ble Supreme Court has observed as under:

"44. We, therefore, feel that though offence punishable under Section-498-A-IPC is not compoundable, in appropriate cases if the parties are willing and if it appears to the criminal court that there exist elements of settlement, it should direct the parties to explore the possibilities of settlement through mediation. This is, obviously, not to dilute the rigour, efficacy and purport of Section-498-A IPC, but to locate cases where the matrimonial dispute can be nipped in bud in

an equitable manner. The Judges, with their expertise, must ensure that this exercise does not lead to the erring spouse using mediation process to get out of clutches of the law. During mediation, the parties can either decide to part company on mutually agreed terms or they may decide to patch up and stay together. In either case for the settlement to come through, the complaint will have to be quashed. In that event, they can approach the High Court and get the complaint quashed. If, however, they choose not to settle, they can proceed with the complaint. In this exercise, there is no loss to anyone. If there is settlement, the parties will be saved from the trials and tribulations of a criminal case and that will reduce the burden on the courts which will be in the larger interest. Obviously, the High Court will quash the complaint only if after considering all circumstances it finds the settlement to be equitable and genuine. Such a course, in our opinion, will be beneficial to those who genuinely want to accord a quietus to their matrimonial disputes."

10. In view of the facts that the dispute between the parties is matrimonial in nature and both the parties have amicably resolved their differences on their own free will, volition and without any coercion and no useful purpose will be served in continuation of the proceeding, rather the same would create further acrimony between them, it would be in the interest of justice to quash the aforementioned F.I.R. and the proceeding pursuant thereto. There is no legal impediment in quashing the F.I.R. in question.

11. Consequently, the F.I.R. dated 28.04.2014 registered as Laitumkhrah P.S. Case No. 64 (4) of 2014 U/S 325/498A I.P.C. And Charge Sheet No. No. 37 of 2014 dated 12.06.2014 and Criminal Proceeding pursuant thereto are hereby quashed.

12. Both the petitioners have signed on this order in acknowledgment of their statements made before the Court.

Accordingly, the petition stands disposed of.