



Serial No.02
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn.No.19/2026

Date of Order: 04.05.2026

Shri Rijessing Warjri

..... Petitioner

Vs.

1. State of Meghalaya, through the Public Prosecutor,
Government of Meghalaya.

2. Smti. Kelbamary Lyngdoh Kynshi

3. Shri Grassland Lyngdoh Kynshi

..... Respondents

Coram:

Hon'ble Mrs. Justice Revati Mohite Dere, Chief Justice

Appearance:

For the Petitioner : Mr. P. Yobin, Adv with
Ms. B.L. Lyngkhoi, Adv

For the Respondents : Mrs. T. Yangi B., AAG with
Mr. J.N. Rynjah, GA
Ms. E.G.S. War, Adv with
Mr. L. Lyngdoh, Adv for R/2&3

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

JUDGMENT: (Oral)

Heard learned counsel for the parties.



2. By this petition, the petitioner seeks quashing of the FIR registered vide P.S. Case No.17(02) of 2025 with Mairang Police Station, Eastern West Khasi Hills District, for the alleged offences punishable under Sections 79, 351 and 356 of the BNS and consequently, the proceeding pending before the trial court i.e., learned Judicial Magistrate First Class at Mairang, being G.R. Case No.12/2025.

3. Learned counsel for the petitioner submitted that taking the prosecution case as it stands, no offence as alleged under Section 351 of the BNS is disclosed qua the petitioner. Learned counsel in this context relied on the judgment of the Apex Court in ***State of Haryana v. Bhajan Lal*** reported in ***1992 Supp (1) SCC 335***. He further submitted that by no stretch of imagination, can a legal notice sent by the petitioner to the persons concerned come under the purview of Section 351 (2) of the BNS. Learned counsel in this context relied on the judgment of the Apex Court in ***Manik Taneja & anr v. State of Karnataka & anr*** reported in ***(2015) 7 SCC 423***. In view of the



aforesaid, learned counsel seeks quashing of the proceeding qua the petitioner.

4. Learned AAG opposed the petition. She submitted that the parameters of *Bhajan Lal* will not apply to the facts in hand. She submitted that no doubt sending a legal notice per se by itself may not constitute an offence under Section 351, but the facts of this case, reveal that the victim (deceased) and her family members were threatened. Learned AAG relied on the statements of some of the witnesses in support of her submission. She submitted that in addition there is a video showing intimidation by the petitioner to the victim (deceased) and her family members.

5. Perused the papers with the assistance of the learned counsel for the respective parties. It appears that a report was prepared at Tirot Sing Memorial Hospital, Mairang, reflecting the petitioner's name as the father of a child born from the victim (deceased) and that the same came to the knowledge of the petitioner on 5th January, 2025. It appears that pursuant thereto, the petitioner sent a legal notice dated 27th January,



2025 to the victim (deceased) demanding an explanation from her, as to why his name was included in the baby's report, when he had never been in any relationship with her. On 12th February, 2025, the aforesaid FIR was registered as against the petitioner alleging offences under Sections 79, 351(2), 356 of the BNS. On 1st March, 2025, the deceased victim went missing from her home along with her child at around 5:40 p.m. On 2nd March, 2025, the dead body of the deceased victim was found by the villagers from near a dam at Langtor village along with the child. Pursuant thereto, another FIR, being FIR No.21(03) 2025 was registered with the Mairang Police Station alleging offences punishable under Sections 103(1), 238(a) of the BNS. The petitioner was arrested by the police on 4th March, 2025, in FIR No.21(03) 2025. It appears that after investigation, chargesheet had been filed in both the aforesaid cases.

6. We are concerned with the registration of the first case with the Mairang Police Station alleging offences punishable under Sections 79, 351(2), 356 of the BNS as against the petitioner.



7. Having perused the statements of the witnesses in particular of Smti. Nariful Lyngdoh Kynshi, Smti. Deitimon Lyngdoh Kynshi, Smti. Banri Itynnad Lyngdoh Kynshi and others, it appears that the aforesaid FIR was not registered on the legal notice sent by the petitioner to the deceased and her family members, but is based on incidents of threatening by the petitioner to the victim (deceased) and her family members i.e., threatening them to remove his name from the report showing him as the father of the child; and that if they did not remove his name, he would ask the police to arrest them and file an FIR; that they (victim and family members) will have to sell everything, including their house as they were poor, which they got through government scheme, to pursue the case; and, that he will file an FIR and that they would have to pay ₹20,000/- per month for the lawyer.

8. Thus, prima facie from the statements, it is evident that the alleged offences were not registered because of the legal notice sent by the petitioner to the victim and her family members, but because of the threats extended by the petitioner



to the victim and her family members. From the police report, it also appears that there is a video which was seized from Video Editor of U Nongsain Hima, wherein it is seen that one 'Bah' had threatened the victim and her family many times before the victim was found dead in a water reservoir at Langtor village.

9. Thus, considering the aforesaid material, prima facie it cannot be said that the case would fall under any of the parameters laid down by the Apex Court in *Bhajan Lal* (supra) i.e., taking the prosecution as it stands, no offences as alleged are disclosed qua the petitioner and that continuance of the criminal prosecution would amount to abuse of the process of the court. Even, the judgment relied upon by the learned counsel for the petitioner in *Manik Taneja* (supra) is clearly distinguishable and will not apply to the facts in hand.

10. Considering the aforesaid, no case is made out for quashing the FIR and consequently, the proceeding pending before the learned Judicial Magistrate First Class at Mairang.



11. Petition is accordingly dismissed and is disposed of.

12. Needless to state, that the trial court to conduct the case, on its own merits, in accordance with law, uninfluenced by the dismissal of this petition.

(Revati Mohite Dere)
Chief Justice

Meghalaya
04.05.2026
"Lam DR-PS"