Serial No. 06
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn. No. 113 of 2026

Date of order: 18.08.2026

1. Tusharllang Sohshang
2. Miss XXX (victim)

.....Petitioners

- versus -

1. The State of Meghalaya represented by the Station House Officer, West Khasi Hills District P.S. Nongstoin, Government of Meghalaya, Shillong.

2. Smti. YYY (Complainant)

...Respondents

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

Appearance:

For the Petitioners : Ms S. Nongsiej, Legal Aid Counsel

For the Respondents : Mrs I. Lyngwa, Addl PP
Ms. C.R. Marak, Adv. [R3]

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

JUDGMENT: (Oral)

Heard learned counsel for the parties.

2. Rule. Rule is made returnable forthwith with the consent of the parties and the aforesaid petition is taken up for final disposal.

3. By this petition, the petitioners, i.e., the petitioner No. 1 (accused) and the petitioner No. 2 (survivor) seek quashing of the FIR bearing Case No. 77(11) 2023 registered with the Nongstoin Police Station, West Khasi Hills District, Meghalaya at the behest of the respondent No. 2 (a relative of the survivor) for the alleged offence punishable under Section 5(j)(ii) read with Section 6 of the POCSO Act and the consequently, the proceeding pending before the learned Special Judge (POCSO), Nongstoin, bearing Special POCSO Case No. 8 of 2026.

4. Quashing is sought on the premise that the relationship between the petitioners was consensual and that from the said relationship, there is a child born, who is currently 2 years of age. Quashing is also sought on the premise that the parties were initially living together and recently got married in a Church, i.e., on 14.08.2026. A photocopy of the Marriage

Certificate was tendered by the learned counsel for the petitioners.

5. Vide order dated 04.08.2026, the petitioners were directed to appear before the Secretary, High Court Legal Services Committee, to enable the Secretary to submit her report as to whether the consent given by the petitioner No. 2 was an informed consent; whether the petitioner No. 2 and her child have received any benefits under any of the Schemes of the State or Central Government, etc.

6. Pursuant thereto, the Secretary, High Court Legal Services Committee has submitted her report in a sealed envelope. The sealed envelope is opened and the report dated 13.08.2026 is taken on record.

7. From a perusal of the report, it appears that the petitioner No. 1 today, is about 22 years of age and the petitioner No. 2 is 19 years and that they are living together with their two-year-old son in the house owned by the petitioner No.2's mother. It appears that at the relevant time when the FIR was lodged, the

petitioner No. 1 was 19 years of age and the petitioner No. 1 was 17 years. It further appears from the report that the petitioner No. 1 has passed Class 6 and is a daily wage worker earning about ₹300/- per day and the petitioner No. 2 has passed Class 5 and has no income of her own. It further appears from the report that although, household expenditure is taken care of by the mother of the petitioner No. 2 as well as the petitioner No. 1, the personal expenditure of the petitioner No. 2 and the child is taken care of by the petitioner No.1.

8. As per the report, the petitioner No. 2 is not keen in pursuing her studies and neither is she interested in going for any vocational training. The report further reveals that the petitioner No. 2 nor her child have received any compensation or benefits under any of the Schemes of the State or Central Government in connection with the said case. The petitioner No. 2 has given her no objection to the quashing of the proceeding qua the petitioner No. 1.

9. The petitioner No. 2, who is present in Court when questioned, reiterates what is stated by her before the

Secretary, i.e., she has no objection to the quashing of the proceeding and that she is happily living with the petitioner No. 1 with their child.

10. The respondent No. 2 (original complainant and relative of the petitioner No. 2), is present in Court. Learned counsel for the respondent No. 2 has tendered an affidavit of the said respondent. The said affidavit is taken on record. From the said affidavit, it appears that the respondent No. 2 has no objection if the case is quashed. She states that the petitioners are now residing together as husband and wife and as such, she has no objection to the quashing of the said case. She has further stated in the affidavit that as she was an ASHA worker at Rangthong PHC, any pregnant female below the age of 18 years comes to such a Centre, it becomes necessary of the Centre to inform the Police Station and hence, as per protocol, an FIR was lodged. The respondent No. 2, who is present in person too reiterates that she has no objection to the quashing of the proceeding against the petitioner No. 1.

11. This Court in its judgment in the case of ***Shri Shalenbor Wahlang and anr. v. State of Meghalaya & anr.*** passed in ***Crl.Petn. No. 92 of 2023*** dated **10th April, 2026** in paragraphs 31, 33, 34 and 35 has observed as hereunder:

> "*31. The ground realities in the State of Meghalaya cannot be ignored and lost sight of. It shows high incidents of adolescent consensual relationships culminating in elopement and early marriage or living together, as husband and wife, which is recognised by the society. Infact, cases of adolescent relationships where the parties i.e., the victim and the boy have got married or are living together as husband and wife and have a child from the said relationship are far too many, resulting in parties filing petitions under Section 528 BNSS (earlier, Section 482 Cr.P.C.) seeking quashing of the proceeding by consent of the parties.*
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> *32. .....*
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> *33. What also cannot be lost sight of is, that in Meghalaya, matrilineal system is a rare, ancient societal structure among the Khasi, Garo and Jaintia tribes, where lineage and inheritance pass through the mother. Children take their mother's surname, the youngest daughter inherits the property (is the custodian of ancestral property) and the husband often moves into the wife's house. The system is believed to have originated from an agrarian society and the need to protect the family structure, ensuring women's economic security, social stability and the preservation of tribal identity. Infact, in the Khasi community, women have more independence than women in many patriarchal communities, including the freedom to select their partners, remarry without shame and take an active role in public places like market place and businesses. It is in this background that this Court would have to consider a case*

seeking quashing of a POCSO case by consent, keeping in mind all factors, including the girl's (victim's) and her child's social security, by ensuring that she and the child get the benefit of the government schemes, including under the POCSO Act.

34. Thus, from the aforesaid discussion, quashing of a POCSO case under Section 528 BNSS by consent, is permissible even if it is a special statute and there is no specific exclusion of any present law/custom. However, the said discretion has to be used with due care and caution and circumspection in exceptional cases, to do justice. As noted earlier, there cannot be any straitjacket formula as to in which cases the said discretion can or cannot be exercised, inasmuch as, that would depend on the facts and circumstances of each case i.e., the age of the parties coming before the court; whether the consent given by the victim is an informed consent and not under coercion of the family members or the boy; that the victim and the accused are married and have a child or are living together as husband and wife, as per the customs in the State of Meghalaya, etc. Where parties are living together as husband and wife or are married, a police report, or a report from any authority, be called for, verifying the said claim. Also, while considering whether the consent of the victim is an 'informed consent', it is necessary that the victim places her affidavit on record giving her 'No Objection' to the quashing of the case. That, before such an affidavit is accepted, in order to ensure that the consent is an informed consent, the victim may be sent before the Secretary, MLSA or Secretary, DLSA to ascertain whether the consent is an informed consent, by giving her time to ponder over the same; and a report be called for, before such quashing petition is considered. While quashing the case, the Government schemes that may be available to a victim in a POCSO Act and the child born from the said relationship also be given due weightage as suggested and directed by the Apex Court in the case of ***Re: Right to Privacy of Adolescents*** *(supra).*

35. No doubt, we are conscious of the fact that a case under POCSO Act, is not a case against an individual, but is an offence against the society as a whole, however, the administration or enforcement of the law cannot be divorced from lived realities. Rendering justice demands not only that the law be applied with precision, but also that it be tempered with fairness, compassion and empathy when the situation/facts of a case, warrant it. Thus, it is necessary to maintain a fine balance between the competing interests of justice, deterrence and rehabilitation. Where the victim and the boy are married or are living together as husband and wife (and recognised), and have a child/children, sending the boy to jail would not serve the cause of justice, rather it would cause great injustice to the victim and the child born from the said consensual relationship, as ultimately, the aim of the law is to do justice. Thus, in cases where the court comes to the conclusion, that the consent given by the victim is a genuine and informed consent and that it would be greater injustice to send the boy to jail, instead of letting the parties live together as one family, the Court may consider quashing the case, pending trial, keeping in mind what is stated aforesaid. We may note, considering the large number of POCSO cases, in particular Romeo – Juliet cases, it is the responsibility of the State Government to create awareness amongst the people, including the children about the provisions of the POCSO Act, its punishment, etc., not only in the cities but also in the interior and remote places, including schools, colleges, etc."

12. Having regard to the aforesaid judgment, the report of the Secretary, High Court Legal Services Committee; the fact that the petitioners were in a relationship and were living together as husband and wife, and are now married; that from the said

relationship they have a child, who is 2 years of age; that the petitioner No. 2 and the respondent No. 2 have no objection to the quashing of the FIR and consequently, the proceeding; and since, the petitioner No. 2 is happily living with the petitioner No. 1 with their child, there is no impediment, if the petition is allowed.

13. The petition is, accordingly allowed and the FIR bearing Case No. 77(11) 2023 registered with the Nongstoin Police Station, West Khasi Hills District, Meghalaya and consequently, the proceeding pending before the learned Special Judge (POCSO), Nongstoin, bearing Special POCSO Case No. 8 of 2026, are quashed and set aside.

14. Rule is made absolute on the aforesaid terms.

15. Needles to state, that the DCPO, West Khasi Hills District, Nongstoin and the Secretary, DLSA, West Khasi Hills District, Nongstoin to ensure that all such benefits under the Schemes of the Central and State Government, as the petitioner No. 2 and

her child would be entitled to, would be given to them. The said Schemes are as under;

(i) Scheme for Care and Support to Victims of under Sections 4 and 6 of the POCSO Act (exclusively for POCSO victims) [Nirbhaya Fund];

(ii) Mission Vatsalya Scheme (Child Protection Services);

(iii) Beti Bachao, Beti Padhao (BBBP) Scheme;

(iv) Meghalaya Victim Compensation Scheme, 2022;

(v) Meghalaya Health Insurance Scheme;

(vi) Ayushman Bharat-PM-JAY (free health);

(vii) Mission 1000 Days-Meghalaya;

(viii) Rashtriya Bal Swasthya Karyakram (RBSK);

(ix) Chief Minister's Safe Motherhood Scheme or CM-SMS;

(x) Special Training Programme for age-appropriate admission of Out of School Children (OoSC) and Back to School Campaign;

(xi) Samagra Siksha (Back to School);

(xii) NALSA (Child-Friendly Legal Services for Children) Scheme 2024;

(xiii) NALSA (Legal Services to Persons with Mental Illness and Persons with intellectual Disabilities) Scheme, 2024; and

(xiv) Mission Shakti-Women's Safety, Support and Empowerment; and

(xv) Insurance or any other scheme.

16. The concerned DCPO, West Khasi Hills District, Nongstoin as well as the Secretary, West Khasi Hills District, Nongstoin, to

ensure that all benefits as may be applicable to the petitioner No. 2 and her child, be extended to them at the earliest.

17. If compensation under the Victim Compensation Scheme is granted to the petitioner No. 2, the said money received will be kept in a Fixed Deposit till the petitioner No. 2 attains the age of 25 years, however, the petitioner No. 2 would be entitled to quarterly interest on the said amount and would be free to deal with the said amount on attaining the age of 25 years.

18. The Registry to forward forthwith a copy of this order to both, the Member Secretary, Meghalaya State Legal Services Authority, Shillong and Commissioner and Secretary, Social Welfare Department, Shillong as well as to the DCPO, West Khasi Hills District, Nongstoin and the Secretary, DLSA, West Khasi Hills District, Nongstoin to enable them to take steps and comply with the same.

19. Petition is, accordingly disposed of.

20. Although, the petition is disposed of, list the petition on **15th October, 2026** for recording compliance of the directions given in paragraphs 15 to 18 aforesaid.

21. All parties to act on the authenticated copy of this order.

(**Revati Mohite Dere**)
Chief Justice

Signature Not Verified
Digitally signed by SYLVANA LIZ KHARBHIH
Date: 2026.08.18 16:27:10 IST