



Serial No.05
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn.No.88/2026

Date of order: 02.09.2026

1. Shri Sooki Rymbai
2. Smti. XXX (victim) Petitioners
Vs

1. State of Meghalaya, represented by the Station House Officer, PS Rynjah, Government of Meghalaya, Shillong.
2. Smti. YYY (complainant) Respondents

Coram:

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

Appearance:

For the Petitioners : None

For the Respondents : Mrs. N.G. Shylla, PP with
Mrs. I. Lyngwa, GA

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

JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)

Since none appears for the petitioners with the assistance of the learned PP, the petition is proceeded with.

2. By this petition, the petitioners i.e. petitioner No.1 (original accused) and petitioner No.2 (survivor), seek quashing of the FIR registered with the Women Police Station, East Jaintia



Hills, Khliehriat being FIR No.17(5) 2020 and consequently; the chargesheet and the proceeding pending before the learned Special Judge (POCSO), East Jaintia Hills District, Khliehriat, being Special POCSO Case No.11 of 2021.

3. Quashing is sought on the premise that the petitioners were in a romantic relationship when the incident took place and consequently, have got married and have two children from the said relationship.

4. Pursuant to the order dated 3rd August, 2026, the parties i.e., the petitioners appeared before the Secretary, High Court Legal Services Committee, pursuant to which the Secretary has submitted her report in a sealed envelope. The envelope is opened and the report dated 12th August, 2026 is perused.

5. From the said report, it appears that today, the petitioner No.1 is aged 28 years and petitioner No.2 (survivor) is about 19 years; that they have got formally married before the Marriage Registrar and live together in their own house in East Jaintia Hills, alongwith their two sons. It further appears from the report that the petitioner No.1 has passed Class-VIII and is a daily wage



labourer earning about ₹500 per day and that he takes care of all the expenditures at home. It further appears that the petitioner No.2 is a homemaker having passed Class-IX, with no income of her own. It further appears that although the petitioner No.2 has an Epic Card and Aadhaar Card, the said cards i.e., Epic Card and Aadhaar Card are yet to be made for the two children. It further appears from the report that the petitioner No.2 is not keen on pursuing her studies, however, is interested in tailoring and if given an opportunity, she would like to take coaching classes for the same. It further appears that the petitioner No.2 has received some amounts in her bank account from time to time after the delivery of her first child, however, she does not remember the exact amount. It further appears that she does not know for what the amount was given to her and from where it came. The report further reveals that the petitioner No.2 wishes that the case be closed and that her said consent is voluntary, without any condition or coercion, as she is happily living with the petitioner No.1 and the children.

6. 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.

32.

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.”

7. Having regard to the aforesaid judgment; the report of the Secretary, High Court Legal Services Committee; the fact that the petitioner Nos.1 and 2 are married and living together as husband and wife with their two children and also having regard to the fact, that the petitioner No.2 has no objection to the case being closed, there is no impediment if the petition is allowed.



8. It is also pertinent to note from the report of the Secretary, High Court Legal Services Committee, that the respondent No.2, who is the original complainant also wishes that the case be closed and the FIR and the proceeding be quashed as the petitioners alongwith their children are living happily together. The respondent No.2 is the mother of the petitioner No.2.

9. Considering the aforesaid, the FIR registered with the Women Police Station, East Jaintia Hills, Khliehriat being FIR No.17(5) 2020 and consequently; the chargesheet and the proceeding pending before the learned Special Judge (POCSO), East Jaintia Hills District, Khliehriat, being Special POCSO Case No.11 of 2021, are quashed and set aside.

10. The petition is allowed and is accordingly disposed of.

11. Needless to state, that the petitioner No.2 and her two small children be extended all benefits as may be applicable to them i.e., the Schemes from either the State or Central Government, which 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.

12. In order to enable the petitioner No.2 to get the benefits of the above said schemes, the District Child Protection Officer (DCPO), East Jaintia Hills District, Khliehriat as well as the Secretary, DLSA, East Jaintia Hills District, Khliehriat are directed to ensure that the benefits as may be applicable to the petitioner No.2 and her two children are made available to them



at the earliest and in any event within eight weeks from the date of receipt of this order.

13. A compliance report of the benefits extended to the petitioner No.2 and her two children be placed before this Court on the next date.

14. 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.

15. 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 District Child Protection Officer (DCPO), East Jaintia Hills District, Khliehriat as well as the Secretary, DLSA, East Jaintia Hills District, Khliehriat to enable them to take steps and comply with the same.



16. Although, the petition is disposed of, list the petition on **29th October, 2026**, for recording compliance of the directions given in paragraphs 11 to 14 aforesaid.

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

(Revati Mohite Dere)
Chief Justice

Meghalaya
02.09.2026
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