**Serial No. 21**
**Daily List**

# HIGH COURT OF MEGHALAYA
# AT SHILLONG

Crl.Petn. No. 153 of 2026 with
Crl.M.C. No. 241 of 2026

Date of Decision: 28.10.2026
Uploaded on : 03.11.2026

1. Dakhutmeki Shylla, aged 25 years, S/o Smti. Ribiang Shylla, R/o Pamra Paitthlu Village, P.S. Khliehriat, East Jaintia Hills District, Meghalaya.

2. Miss XXX (Victim), aged 22 years

**....Petitioners**

**- versus -**

1. The State of Meghalaya represented by the Station House Officer, East Jaintia Hills District, P.S. Khliehriat, Government of Meghalaya, Shillong.

2. Smti. YYY (Complainant) (36 years) R/o Wapungskur Village, East Jaintia Hills District, Meghalaya.

**.....Respondents**

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

**Appearance:**

For the Petitioners : Ms. S. Nongsiej, Adv.

For the Respondents : Mr. A.S. Dey, Sr GA with
Mrs. I. Lyngwa, Addl PP
Ms. P. Susngi, Adv. [R2]

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

**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 registered with the Khliehriat Women Police Station, East Jaintia Hills District, being FIR Case No. 14(5) 2020 and consequently, the proceeding pending before the learned Special Judge POCSO, Khliehriat, being Special POCSO Case No. 8 of 2021.

4. Quashing is sought on the premise that the relationship between the petitioners was consensual and that today, the petitioner No. 1 is aged 25 years old and the petitioner No. 2 aged 22 years old; and that out of the said relationship, the petitioners have a child who is currently, 6 years old. Learned counsel for the petitioners submits that the petitioners are in a live-in relationship with the consent of their family members.

5. Vide order dated 07.10.2026, the parties were directed to appear before the Secretary, High Court Legal Services Committee to enable the Secretary to submit a report as to whether the consent given by the petitioner No. 2 was an informed consent; whether the petitioner No. 2 has received any benefits for herself and her child from any of the State or Central Government Schemes. The Officer of the concerned Police Station was also directed to submit a report as to whether the contents stated in the petition are true and correct, i.e., the petitioners are in a live-in relationship and have a child aged 6 years old from the said relationship. Pursuant thereto, both, the Secretary, High Court Legal Services Committee as well as the WPSI R. Biam, Khliehriat Women PS, East Jaintia Hills, have submitted their reports.

6. The report tendered by the Secretary, High Court Legal Services Committee in a sealed envelope is opened and the report dated 12.10.2026 is perused. From the said report of the Secretary, it appears that the petitioner No. 2 entered into a relationship with the petitioner No. 1 when she was studying in

Class 10th. She has stated that the relationship was voluntarily and consensual, pursuant to which she became pregnant and gave birth to a son in 2020. The report reveals that the petitioner Nos. 1 and 2 are living together as husband and wife and that the petitioner No. 1 is taking care of the needs of the petitioner No. 2 and her son. The report further reveals that the petitioner No. 2 had enrolled herself for Bachelor of Arts studies in Philosophy, however, due to financial constraints, she could not continue her education. The petitioner No. 2 has expressed her desire in continuing with her education. She has further stated that she has not received any benefits under the Victim Compensation Scheme. The report reveals that the petitioner No. 2 has received ₹6000/- under some Government Scheme till she attained the age of 18 years, however, she has not received any benefits under the State or Central Government Schemes. The petitioner No. 2 has given her no objection to the quashing of the proceeding as she is happily living/cohabiting with the petitioner No. 1 as husband and wife.

7. The report of the WPSI R. Biam, Khliehriat Women PS, East Jaintia Hills dated 27.10.2026, tendered by the learned GA

is taken on record. The report reveals that the petitioners are living together as husband and wife alongwith their 6 year old son. It further appears that the petitioner No. 1 is providing financial assistance towards the expenses of the petitioner No. 2 and their 6 year old son.

8. 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. .....*
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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.*"

9. Keeping in mind the observations made in the aforesaid judgment, the report of the Secretary, High Court Legal Services Committee, the report of the WPSI, Khliehriat Women PS, East Jaintia Hills, the no objection given by the petitioner No. 2 as well the respondent No. 2, the fact that the petitioners are cohabiting together since 2023 alongwith their son, there is no impediment in allowing the petition.

10. The petition is, accordingly allowed and the FIR registered with the Khliehriat Women Police Station, East Jaintia Hills District, being FIR Case No. 14(5) 2020 and consequently, the proceeding pending before the learned Special Judge POCSO, Khliehriat, being Special POCSO Case No. 8 of 2021, are quashed and set aside.

11. Needless to state that the DCPO and the Secretary, East Jaintia Hills District, Khliehriat, to extend all such benefits to the petitioner No. 2 and her child as they may be entitled to under the State or Central Government Schemes. 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;

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

(xv) Insurance or any other scheme.

12. A copy of this order be forwarded forthwith to both the DCPO, East Jaintia Hills District, Khliehriat and the Secretary, DLSA, East Jaintia Hills District, Khliehriat, to enable them to take steps to ensure that all benefits of the aforesaid Schemes

are made available to the petitioner No. 2 and her child as may be applicable to them. Infact, a support person be appointed to assist the petitioner No. 2 in enrolling her in academic course that she intends to pursue.

13. **A report to be submitted by the DCPO and the Secretary, DLSA, East Jaintia Hills District, Khliehriat before the next date with respect to the benefits extended to the petitioner No. 2 and her child**.

14. With the aforesaid observations, the petition alongwith the connected miscellaneous application stand disposed of.

15. Although, the petition is disposed of, list the matter for recording compliance of the directions given to the DCPO, and the Secretary, DLSA, East Jaintia Hills District, Khliehriat on **21st December, 2026**.

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

(**Revati Mohite Dere**)
**Chief Justice**

Meghalaya
28.10.2026
"Sylvana PS"



Verified
Digitally signed by: SYLVANA LIZ KHARBHIH
Signed On: 03-11-2026 17:34:45 IST