



Serial No.14
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl. Petn. No. 31 of 2024

Date of Hearing: 18.02.2025

Date of Decision: 18.02.2025

Dr. Lajja Ram Bishnoi, IPS
DGP, Meghalaya
Aged 61 years
S/o Late Ram Gopal Bishnoi
Presently residing at DGP,
Bungalow, Shillong.

Vs. 1.State of Meghalaya represented
by the Ld. Public Prosecutor,
Meghalaya.

2.Sri. Gabriel K. Iangrai,
Son of Late E. Lyngdoh
Mawphlang, R/o Lumshyiap
Sepngi, Shillong – 793001,
Meghalaya.

..... **Petitioner.**

.....**Respondents.**

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. A. Goyal, Adv.

For the Respondent(s) : Mr. N.D. Chullai, AAG with
Mr. E. R. Chyne, GA (R:1)
Mr. W.G.R. Mishill, Adv. (R: 2)

(JUDGMENT AND ORDER)

This Criminal petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking setting aside and quashing of the Sadar



P.S. FIR No. 141(5) 2024 registered under Section 409/467/471/120B IPC read with Section 192 M V Act.

1. The brief fact of the case is that on 09-05-2024, the respondent No.2 lodged an FIR before the Officer-In-Charge, Sadar Police Station, Shillong against the petitioner alleging misuse and tampering of registration number of the vehicle in the use of the petitioner in the capacity of the Director General of Police, Meghalaya. The FIR also alleged about commission of offence of criminal conspiracy and criminal breach of trust as well as forgery and cheating committed by the petitioner. The said FIR was registered as Sadar P.S. FIR No. 141(5) 2024 under Section 409/467/471/120B IPC read with Section 192 MV Act and the matter was investigated into. During the pendency of this criminal petition, upon completion of the investigation, a charge-sheet bearing No.38/24 dated 19-09-2024 under Section 192 MV Act has been submitted by the Investigating Authority in the matter. No charge was made against the petitioner under Section 409/467/471/120B IPC. The said charge-sheet was brought into record of this Court by way of an additional affidavit dated 27-01-2025 by the petitioner.

2. Mr. A. Goyal, learned Counsel for the petitioner, assailing the entire proceeding initiated on the basis of the FIR dated 09-05-2024 and the charge-sheet dated 19-09-2024, has submitted that Section 192 of the MV Act is a non-compoundable offence and the police is not authorized to investigate and seek trial against the petitioner on the basis of the charge-sheet submitted in the case. He submitted that the petitioner has not committed any offence as he was using the vehicle which was officially allotted to him. He further submitted that ingredients of Section 192 of MV Act is not present in the matter as it is not the case of the prosecution



that the petitioner was using a vehicle without registration. The learned Counsel also submitted that the respondent No.2 who filed the FIR is not the victim of any crime alleged in the FIR and the FIR was instituted with an ulterior motive for wreaking vengeance against the petitioner and with a view to spite him due to private and personal grudge as the respondent No.2 was suspended from service and many proceeding were initiated against him during the tenure of the petitioner in the office as the Director General of Police, Meghalaya. He submitted that the institution of the case is aimed at harassing the petitioner and prayed for quashing of the same. In support of his submission, the learned Counsel has placed reliance on the decisions of Apex Court reported in *(2014) 2 SCC 1, Lalita Kumari V. State of U.P., AIR 1992 SC 604, State of Haryana & Ors. V. Bhajan Lal & Ors.* and *(2025) SCC OnLine SC 126, State of Jharkhand V. Dr. Nishkant Dubey and Others.*

3. Mr. N. D. Chullai, learned AAG for the State-respondent submitted that upon investigation of the matter no case of criminal conspiracy, criminal breach of trust as well as forgery and cheating has been made out against the petitioner. He, however, submitted that the petitioner has not used the vehicle which was allotted to him as per the conditions stipulated by the Transport Department and, hence, the petitioner has been charge-sheeted under Section 192 MV Act by the investigating authority.

4. Upon hearing the learned Counsels appearing for the parties, it is clear that though the FIR dated 09-05-2024 was registered under Section 409/467/471/120B IPC read with Section 192 of MV Act, no offence under Section 409/467/471/120B IPC has been alleged against the petitioner in the charge-sheet dated 19-09-2024. Hence, what remains for



this Court is to see whether the case can proceed against the petitioner under Section 192 of the MV Act or not.

5. Perusal of the materials on record reveals that the petitioner, upon his joining as the Director General of Police, Meghalaya intended to use a Kia Carnival Limousine vehicle bearing registration number AS-01-EY-3100 which was requisitioned from M/s Gautam Construction Company, Guwahati Assam. Accordingly, the Government of Meghalaya, Transport Department accorded and conveyed its approval for the usage of the said vehicle on 01-08-2023 at a rate of Rs.1310/- per day and night haltage of Rs.200/- per night with condition that the officer shall use the said Assam registered vehicle under Meghalaya registration and not any “ML-02” registered vehicle. However, there is nothing on record to show that any specific Meghalaya registration number was allotted to the said vehicle. It appears from the allegations made in the charge-sheet that the said vehicle was used with registration number “ML-02-A-0001” which was allotted to a different vehicle of the police department. There is nothing on record to show that the said registration number was used on the instruction given by the petitioner. Furthermore, it appears that the condition contained in the approval of the transport department dated 01-08-2023 is contradictory in as much as “ML-02” registration cannot be regarded as not under Meghalaya Registration. Therefore, in the facts and circumstances of the present case, no charge is made out against the petitioner since the acts alleged in the charge-sheet do not fall and satisfy the ingredients of Section 192 MV Act.

6. The learned Counsels appearing for the respective parties do not dispute the fact that Section 192 MV Act is non-cognizable. Since, the investigation in the Sadar P.S. FIR No. 141(5) 2024 was not conducted on



the basis of an order passed by the Magistrate, the police officer concerned could not have submitted the case for trial. During the course of the investigation of the matter, when it transpired that the offence involved was actually non-cognizable, the investigating authority must have obtained permission from the concerned Magistrate to investigate the offence. In absence of any such permission, the charge-sheet submitted cannot be rendered valid in terms of provision of Section 155 (2) of the Code of Criminal Procedure, 1973 which lays down that no police officer shall investigate a non-cognizable case without the order of a Magistrate having power to try such case or commit the case for trial.

7. In view of the discussions made above, this criminal petition succeeds. Resultantly, the proceedings of the Sadar P.S. FIR No. 141(5) 2024 under Section 409/467/471/120B IPC read with Section 192 MV Act and the charge-sheet No.38/24 dated 19-09-2024 under Section 192 MV Act are hereby quashed.

Judge

Meghalaya
18.02.2025
"Biswarup PS"