

GAHC010017262026



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./113/2026

SRI ASHOK TARU DUTTA
S/O LT. A USHADIPATI DUTTA
R/O RADHARAMANPALLY, MALUGRAM, SILCHAR TOWN, P.O.AND P.S.
SILCHAR, DIST. CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM

2:SRI DILIP DHAR
S/O LT. SHASHI BHUSHAN DHAR
R/O MALUGRAM
SADARGHAT
SILCHAR TOWN
P.O. AND P.S. SILCHAR
DIST. CACHAR
ASSA

Advocate for the Petitioner : MR C GOGOI,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

O R D E R

Date : 11.02.2026.

Heard Mr. D. Deb, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam appearing on behalf of the State respondent.

This is an application under Section 528 of the BNSS, 2023 for quashing and setting aside the PRC No.533/2022, registered under Section 448/294/427/506 of the IPC, pending in the Court of learned Judicial Magistrate First Class, Cachar at Silchar.

It is submitted by Mr. Deb, the learned counsel that the present accused/petitioner is innocent. However, an FIR has been lodged against him by the respondent No.2, who is an employee under one Arindam Dutta, the own brother of the present petitioner. He further submitted that the said Arindam Dutta was trying to illegally encroached upon the land which has been mentioned in the FIR, for which the present petitioner along with some local people lodged a complaint before the Deputy Commissioner on 28.01.2021 and immediately coming to know about the complaint, the instant FIR has been lodged on 29.01.2021. The report is also provided from the Deputy Commissioner, wherein it is stated that no land was allotted to said Arindam Dutta. Thereafter, they approached the Civil Forum claiming their possessory right. There is no criminal case against the petitioner, except there may be a civil dispute between the parties. Mr. Deb, the learned counsel for the petitioner further submitted that considering the nature of the case, the learned Additional P.P. also moved an application for withdrawal of the case as per the Notification dated 21.10.2022 but the same has been rejected by the learned Trial Court below, considering that the Section 506 Part-II is not a compoundable case, as the description of the terms of conviction may extend to seven years and

therefore, the Government Notification dated 21.10.2022 does not cover the present case. Thereafter, only the present petitioner had moved the present application praying for quashing of the entire proceeding initiated against him.

Mr. P. Borthakur, the learned Additional Public Prosecutor, Assam submitted in this regard that the Civil Suit may be pending before the Court between the parties but there is a criminal case already instituted against the present petitioner and the case is fixed for evidence on 09.02.2026 and hence, he has submitted that scan copy of the TCR may be called for from the learned Trial Court below at this stage.

Considering the submissions made by learned counsel for the parties, notice may be issued to the respondents, returnable within 4 (four) weeks.

Since Mr. P. Borthakur, learned Additional Public Prosecutor, has entered appearance and accepted notice on behalf of the State respondent No. 1, no formal notice is required to be issued to the said respondent. However, he shall be provided with requisite extra-copy of the petition during the course of the day.

Petitioner will take steps for service of notice on respondent No. 2 by speed post as well as through usual process within 3 (three) working days from today.

Also, call for the scanned copy of the Trial Court Record.

However, considering the submissions made by the learned counsel for the parties, the further proceeding of the PRC No.533/2022, pending in the Court of

learned Judicial Magistrate First Class, Cachar at Silchar shall be stayed till the next date of listing.

List the matter after four (4) weeks.

JUDGE

Comparing Assistant