

GAHC010017562025



2026:GAU-AS:2781

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

Case No. : Crl.Pet./80/2025

ROHIM BAKXA AND ANR
S/O-NURBAKTA SHEIKH R/O-VILL-BORGHOLA PT1 P. S. -JOGIGHOPA,
DISTRICT-BONGAIGAON, ASSAM, PIN-783388

2: SABINA KHATUN
D/O-CHORMAN ALI
W/O-ROHIM BAKXA
P. S. -JOGIGHOPA
DISTRICT-BONGAIGAON
ASSA

VERSUS

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

2:MINHAZ AHMED
S/O-HASSAN AHMED
VILL-MORIYAM NAGAR
P. O. -BALADMARI P. S. AND DISTRICT-GOALPARA
ASSAM
PIN-78310

Advocate for the Petitioner : MR. A Z AHMED,

Advocate for the Respondent : PP, ASSAM, MR SARFRAZ NAWAZ, Amicus Curiae for R-2

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

24.02.2026

Heard Mr. A.Z. Ahmed, learned counsel for the petitioners. Also heard Mr. Sarfraz Nawaz, learned counsel appearing for the respondent No. 2 and Mr. B. Sharma, learned Addl. Public Prosecutor appearing for the State.

2. By this application filed under Section 482 of Cr.PC, the petitioners have prayed for quashing of the Special (P) Case No. 230(J)/2023 pending in the Court of Special judge North Salmara, Abhayapuri arising out of Jogighopa P.S. Case No. 251/2023 registered under Section 6/17 of the POCSO Act, 2012 read with Sections 9/10/11 of the Prohibition of Child Marriage Act.

3. The case started with lodging of the ejahar by the informant wherein it was stated that he being a Secretary-cum-Child Marriage Prabation Officer gathered his knowledge that one minor girl namely the petitioner No. 2 was forcefully married to a man who is petitioner No. 1 arrayed in this petition. The informant further stated that when he met the victim i.e., petitioner No. 2, she revealed to him that in lieu of money she was offered in marriage to petitioner No. 1 by her parents.

4. On receipt of the said ejahar, the police registered the case and on completion of the investigation, submitted charge sheet against the petitioner No. 1 under Section 9 of Prevention of Child Marriage Act read with Section 6 of the POCSO Act. Thereafter, on completion of necessary requirements, charges

were framed against the petitioner on 30.04.2024 charging him under Section 9 of the Prevention of Child Marriage Act as well as Section 6 of the POCSO Act.

5. Mr. A.Z. Ahmed, learned counsel for the petitioners submits that thereafter on 03.01.2025, the petitioner No. 2 i.e., the alleged victim as mentioned in the FIR sworn in an affidavit stating inter alia that she got married to petitioner No. 1 as per Islamic law and after solemnization of their marriage, she and petitioner No. 1 stayed as husband and wife happily and peacefully and that out of the wedlock, they were blessed with one child. She further declared that the informant had lodged the ejahar against her husband before the Officer-in-Charge of Jogighopa Police Station and the said case was proceeded with and cognizance was taken and the trial started. However, she further declares that she is having a conjugal life with her husband and that she is suffering from severe mental trauma due to the continuance of the said case.

6. Mr. B. Sharma, learned Addl. Public Prosecutor for the State submits that the case is registered under the POCSO Act and the victim being a minor who was stated to have been forcefully given in the marriage with the petitioner No. 1 could not be settled amongst the parties.

7. Mr. Sarfraz Nawaz, learned counsel for the informant also submits that he was the Child Marriage Probation Officer and it was his duty to bring into notice the illegalities committed to the effect that a minor girl is given in marriage to a

man in violation of the Child Marriage Act as well as the POCSO Act which he had done the same. As such, he submits that the said illegalities cannot be set right by filing a settlement petition or by filing a joint petition by both the victim and the accused person.

8. I have heard the counsels and have gone through the records.

9. It is seen that the FIR was lodged by the informant on 03.10.2023, where the victim was stated to have been 17 years of age and who was stated to have been given marriage to a much elder man in violation of the law. However, it is seen that the instant petition is filed as a joint petition by both the alleged accused person and the alleged victim and the affidavit to the instant criminal petition has been sworn by petitioner No. 1 who was authorized by petitioner No. 2 as well before this Court. It was also found that the petitioner No. 2 i.e., the alleged victim had declared by way of an affidavit on 03.01.2025 that she is married to the petitioner No. 1 as per the Shariat and is living with her husband i.e., petitioner No. 1 happily and peacefully and that during their conjugal life, they were blessed with one child. She further declares that she does not want to prosecute the case against her husband and that she is suffering severe mental trauma and agony because of the continuance of the said case. It is noticed that petitioner Nos. 1 and 2 are legally married husband and wife and

are blessed with a child.

10.In view of the affidavit sworn in by the petitioner No. 2 and this being the joint petition filed by both the petitioner, this Court finds it fit that the instant case may be quashed for the ends of justice. It has been held by the Hon'ble Apex Court in a number of decisions that cases of matrimonial nature can be settled amongst parties more so, if it is found that the trial could not result in any positive manner.

11. In the instant case, the alleged victim having exonerated the petitioner No. 1 and willing to stay with petitioner No. 1 as husband and wife who are now parents of a child, this Court quashes the Special (P) Case No. 230(J)/2023 pending in the Court of Special Judge North Salmara, Abhayapuri in connection with Jogighopa P.S. Case No. 251/2023 for the ends of justice.

12. Petition is disposed of.

JUDGE

Comparing Assistant