

GAHC010018382024



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

Case No. : Crl.Pet./99/2024

DEEPAMONI PATHAK @ DEEPAMONI DAS
W/O- BHABANANDA PATHAK, RESIDENT OF KALAPAHAR, MILAN PATH,
P.S. FATASHIL AMBARI, DISTRICT- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY P.P., ASSAM

2:SRI DIPANKAR KALITA
S/O- SRI KAMESWAR KALITA
RESIDENT OF VILLAGE- MAJ JALUKBARI
P.S. JALUKBARI AND DISTRICT- KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. P K ROYCHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

01.02.2024

This is an application under Section 482 of the Cr.P.C. read with Article 227 of the Constitution of India seeking quashing of the FIR dated 28.11.2023 registered as Basistha P.S. Case. No. 739/2023 (G.R.-8823/2023) registered under Section 120(B)/447/420/468/471 of the IPC so far the petitioner is

concerned.

A perusal of the F.I.R. dated 28.11.2023 annexed as Annexure 1 appears that there is no allegation as such against the petitioner who is the wife of one Bhabananda Pathak who is alleged to have prepared a fake deed and registered the same in his and his wife name.

At this stage, it is too early to *prima facie* come to a finding as regards the involvement of the petitioner accused.

However, considering the fact that there is no allegation levelled against the petitioner in the FIR, this Court is of the opinion that till the next date, no coercive action shall be taken against the present petitioner namely, Deepamoni Pathak @ Deepamoni Das.

It is needless to clarify that the investigation shall go on as it is imperative to unearth the truth in such fraudulent property transaction case.

It is further made clear that the petitioner shall cooperate in the investigation going on.

Let notice be issued returnable on 05.03.2024.

Mr. P. Borthakur, learned Addl. Public Prosecutor, Assam accepts notice on behalf of respondent no. 1.

Notice on respondent no. 2 be taken by registered post with A/D within a period of 2 days.

List this matter on 05.03.2024.

JUDGE

Comparing Assistant