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

Case No. : Crl.Pet./235/2026

SMT. PINKY BHATTA AND 5 ORS.
W/O LATE PRABODH BHATTA
R/O HOTEL VIP INNINTERNATIONAL, COLONY BAZAR, KALAPAHAR, P.O.
BINOVANAGAR, P.S. FATASIL AMBARI, GUWAHATI-781018, DIST. KAMRUP
(M), ASSAM

2: SMT. SHIPRA BHATTA
W/O LATE SUSHIL RANJAN BHATTA
R/O HITEL VIP INTERNATIONAL COLONY BAZAR
KALAPAHAR
P.O. BINOVANAGAR
P.S. FATASIL AMBARI
GUWAHATI-781018
DIST. KAMRUP (M)
ASSAM

3: SRI PRATAP BHATTA
S/OLATE SUSHIL RANJAN BHATTA
R/O HOTEL VIP INTERNATIONAL
COLONY BAZAR
KALAPAHAR
P.O. VINOVANAGAR
P.S. FATASIL AMBARI
GUWAHATI-781018
DIST. KAMRUP (M)
ASSAM

4: SRI PRANAV BHATTA
S/OLATE SUSHIL RANJAN BHATTA
R/O HOTEL VIP INTERNATIONAL COLONY BAZAR
KALAPAHAR
P.O. BINOVANAGAR
P.S. FATASIL AMBARI
GUWAHATI-781018

DIST. KAMRUP (M)
ASSAM.

5: SRI PRALAY BHATTA
S/OLATE SUSHIL RANJAN BHATTA
R/O HOTEL VIP INTERNATIONAL
COLONY BAZAR
KALAPAHAR
P.O. BINOVANAGAR
P.S. FATASIL AMBARI
GUWAHATI-781018
DIST. KAMRUP (M)
ASSAM.

6: SRI PRONAY BHATTA
S/OLATE SUSHIL RANJAN BHATTA
R/O HOTEL VIP INTERNATIONAL
COLONY BAZAR
KALAPAHAR
P.O. BINOVANAGAR
P.S. FATASIL AMBARI
GUWAHATI-781025
DIST. KAMRUP (M)
ASSA

VERSUS

MASTER PRASHANT BHATTA
BEING REPRESENTED BY HIS MOTHER, SMT. SWAPNA ROY
D/O SRI DHANU ROY
RESIDENT OF HOUSE NO.8 ARUNA ENCLAVE, P.O. AND P.S. FATASIL
AMBARI, GUWAHATI-781025, DIST. KAMRUP (M), ASSAM

Advocate for the Petitioner : MR B K SINGH, MRS S SARMA, MR D AKRAM

Advocate for the Respondent : ,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

O R D E R

Date : 24.02.2026.

Heard Mr. B.K. Singh, learned counsel for the petitioners.

This is an application under Section 528 of the BNSS, 2023 for quashing of the proceeding initiated under Section 146 of the BNSS, 2023, pending before the Court of learned Principal Judge, Family Court No.I, Kamrup (Metro) at Guwahati, being Misc. Case No.522/2025, arising out of F.C. (Crl.) Case No.264/2020.

Issue notice to the respondent, returnable within 4 (four) weeks, through his legal representative.

Petitioner will take steps for service of notice upon the sole respondent by speed post as well as through usual process within 3 (three) working days from today.

It is submitted by Mr. Singh, the learned counsel for the petitioner that initially one proceeding under Section 125 of the CrPC was initiated by one Swapna Roy, seeking maintenance from Prabodh Bhatta, which was registered as F.C. (Crl.) Case No.264/2020, wherein an ex-parte order of maintenance was passed in favour of said Swapna Roy, wherein it is stated that she was staying with said Prabodh Bhatta and as a result of their wedlock, a male child, namely, Master Prashant Bhatta born and considering this aspect, already directed said Prabodh Bhatta to pay maintenance @ Rs.12,000/- per month.

Being aggrieved by the ex-parte order of maintenance, Prabodh Bhatta filed a Criminal Revision Petition but during the pendency of the Criminal Revision Petition, Prabodh Bhatta died and accordingly the Criminal Revision Petition was also closed with an observation that as the petitioner had already expired, the case become infructuous, as the order of the Family Court was specifically

against the petitioner Prabodh Bhatta and after his death, the entire petition has become infructuous.

After that, the respondent Swapna Roy through her minor child had initiated one proceeding under Section 146 of the BNSS, 2023, before the Court of learned Principal Judge, Family Court No.I, Kamrup (Metro) at Guwahati, which is being registered as Misc. Case No.522/2025, arising out of F.C. (Crl.) Case No.264/2020, wherein all the petitioners have received notice for their appearance. Mr. Singh, the learned counsel for the petitioner further submitted that the present petitioners are not at all responsible for paying maintenance to the son of respondent Swapna Roy and no liability is raised against these petitioners. Accordingly, he submitted that the proceeding initiated under the Misc. Case No.522/2025 may be stayed till disposal of the present Criminal Petition.

Considering the submissions of learned counsel for the petitioners and the facts and circumstances of the case, the further proceeding of the Misc. Case No.522/2025, arising out of F.C. (Crl.) Case No.264/2020, be stayed till the next date of listing.

List the matter after four (4) weeks, on a date to be fixed by the Registry.

JUDGE

Comparing Assistant