

GAHC010033122026



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

Case No. : Crl.Pet./247/2026

DEBASISH BHATTACHARJEE
S/O LATE KUSHADEV BHATTACHARJEE, R/O VILL. SAIKIA CHUBURI,
DEKARGAON RAI BAHADUR PATH, P.S. TEZPUR, MOUZA HALESWAR,
DIST. SONITPUR, ASSAM,

VERSUS

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

2:NIKHILESH BARUAH
S/O SRI BHUBAN BARUAH
R/O VILL. GHORAMARI
P.O. GHORAMARI
P.S. TEZPUR
MOUZA GHORAMARI
DIST. SONITPUR
ASSAM

Advocate for the Petitioner : MR. N N JHA, MR M U KHAN, DIKSHITA DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA
ORDER

Date : 23.02.2026.

Heard Mr. N.N. Jha, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Addl. P.P., Assam appearing on behalf of the State respondent No.1.

This is an application under Section 528 of the BNSS, 2023 for quashing of the complaint being C.R. Case No.130/2025 and the order of taking cognizance dated 29.09.2025, by the learned Judicial Magistrate First Class at Tezpur.

Issue notice to the respondents, returnable within 3 (three) weeks.

Since Mr. Sarma, learned Addl. P.P., Assam 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 shall 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. Registry will do the needful.

Further, considering overall aspects of the case and the submission made by the learned counsel for the petitioner, this Court is of the opinion that stay may not be considered at this stage. However, interim may be considered on appearance of the other side as well as on receipt of the TCR.

List the matter after three (3) weeks, on a date to be fixed by the Registry.

JUDGE

Comparing Assistant