

GAHC010034902026



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

Case No. : Crl.Pet./262/2026

SRI SURAJIT BARUAH
SON OF LATE S.K. BARUAH RESIDENT OF QR. NO. 3, TYPE 1, BUILDING
NO.3, POSTAL QUARTER, NONGMYNSONG.SHILLONG, MEGHALAYA
793019

VERSUS

SMTI DEEPMALA BASUMATARI
WIFE OF SRI SURAJIT BARUAH DAUGHTER OF SRI AJIT KUMAR
BASUMATARI RESIDENT OF MAA KAMAKHYA HOUSING SOCIETY,
PANDAV NAGAR, BORIPARA P.O. PANDU, P.S. JALUKBARI, DISTRICT-
KAMRUP METRO, GUWAHATI 781012, ASSAM

Advocate for the Petitioner : MS. M BHATTACHARJEE, MS. K DEKA

Advocate for the Respondent : ,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

ORDER

25-02-2026

Heard Ms. M. Bhattacharjee, learned counsel for the petitioner.

This is an application filed under Section 528 BNSS praying for setting aside and quashing the judgment and order dated 23.07.2025, passed by the Principal Judge, Family Court No.I, Kamrup (M), Guwahati in F.C. (Crl) Case No. 46/2024 under Section 125 Cr.P.C.

Issue notice to the sole respondent through speed post as well as through usual process.

Registry shall call for the scanned copy of the TCR.

Further it is submitted by Ms. Bhattacharjee, learned counsel that initially at the time of filing the petition under Section 125 CrPC before the Court of Principal Judge, Family Court No.I at Kamrup(M), Guwahati, the petitioner appeared and raised preliminary objection raising the issue that the petition is not maintainable as one DV case and one maintenance case under the Family Court's Act is already pending in the Court at Shillong. But without considering this aspect, it was held by the learned Principal Judge that the petition is maintainable.

However, due to his illness as he undergone some surgery, the petitioner could not appear before the learned Principal Judge, Family Court at Kamrup (M), Guwahati and the order was passed ex-parte whereby the petitioner was directed to maintenance to the respondent to the tune of Rs.15,000/- per month and for her son Rs. 5,000/- per month.

She further submitted that the petitioner is not in a position to pay such amount of maintenance at this stage. Moreover, the respondent herself is working in a private

school, but that was not considered by the learned Principal Judge.

In view of above, she submitted that the execution of the operation of the judgment and order dated 23.07.2025 may be stayed till the disposal of the present petition.

Considering the submissions made by the learned counsel for the petitioner, the petitioner is directed to pay an amount of Rs.10,000/- towards maintenance to the respondent till the next date of listing of the matter.

The maintenance amount of Rs.10,000/- shall be deposited by the petitioner before the learned Principal Judge, Family Court No.I, Kamrup(M) at Guwahati.

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

JUDGE

Comparing Assistant