

GAHC010035312025



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

Case No. : Crl.Pet./235/2025

SELIMUL ISLAM
S/O NURUL ISLAM
R/O HOUSE NO. 2,
SILPUTA PATH, BIKRAMPUR
P.S.DISPUR
DIST. KAMRUP (METRO), ASSAM

VERSUS

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

2:NANDINI BARUAH
DO MRIMOY BARUAH
R/O HOUSE NO.3
LANE NO. 8

PADMA NATH
NEAR BRINDABAN GARDEN

R.G.BARUAH ROAD

ZOO ROAD

DIST.KAMRUP (METRO)
ASSAM
PIN-78102

Advocate for the Petitioner : K RAHMAN, MR. SAIDUL ALOM

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

05.03.2025

- 1.** Heard Mr. K. Rahman, the learned counsel for the petitioner. Also heard Mr. R.R. Kaushik, the learned Additional Public Prosecutor appearing for the respondent No. 1.
- 2.** This application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita(BNSS), 2023 has been filed by the petitioner, namely, Selimul Islam, praying for quashing of the proceedings of Dispur P.S. Case No. 1256/2024 (corresponding to G.R. Case No. 6940/2024) which was registered on the basis of the FIR dated 20.11.2024.
- 3.** The learned counsel for the petitioner has submitted that on the basis of the aforesaid FIR, the Dispur P.S. Case No. 1256/2024, was registered under Section 11(1)(a) of the Prevention of Cruelty to Animals Act, 1960.
- 4.** The learned counsel for the petitioner has submitted that the offence under Section 11(1)(a) of the Prevention of Cruelty to Animals Act, 1960 is a non-cognizable offence and therefore, investigation could not have been initiated, under the provisions which says that the order of the Magistrate is required to investigate a non-cognizable offence as per the provisions of 174(2) of BNSS, 2023.
- 5.** On the other hand, the learned Additional Public Prosecutor submits that the record of the case would be required for considering the

instant criminal petition. Hence, call for the Case Diary of Dispur P.S. Case No. 1256/2024.

6. Let this matter be listed again on 21.03.2025.

JUDGE

Comparing Assistant