

GAHC010035312025



2026:GAU-AS:305

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 MANISH CHOUDHURY**

ORDER

Date : 08.01.2026

Heard Mr. K. Rahman, learned counsel for the petitioner and Ms. S.H. Bora, learned Additional Public Prosecutor for the respondent no. 1, State of Assam.

2. This criminal petition under Section 528, Bharatiya Nagarik Suraksha Sanhita [BNSS], 2023 was preferred seeking quashing of a First Information Report [FIR] registered as Dispur Police Station Case no. 1256/2024 [corresponding G.R. Case no. 6940/2024] and challenging rejection of a prayer made on behalf of the petitioner for custody of his pet dog seized by the Investigating Officer [I.O.] of Dispur Police Station Case no. 1256/2024 vide a Seizure Memo, M.R. no. 935/2024 dated 25.11.2024.

3. It has been brought to the notice of this Court that after completing investigation into the case, Dispur Police Station Case no. 1256/2024, the I.O. submitted a final report vide Final Report no. 933/2025 dated 25.08.2025 observing inter alia that though the case was found to be true but no evidence could be collected during the course of investigation.

4. It is further brought to the notice of this Court that the Court of learned Judicial Magistrate, First Class, Kamrup [Metro] [‘the Trial Court’, for short] is yet to pass an order as regards acceptance or otherwise of the said Final Report. On 09.10.2025, the Trial Court has issued notice to the informant to submit his objection or protest petition, if any, within the statutory period.

5. Mr. Rahman, learned counsel for the petitioner has submitted by the Order dated 09.10.2025, custody of the pet dog to the petitioner had been denied for the time being by the Trial Court.

6. A final report has already been submitted by the I.O. in connection with Dispur Police Station Case no. 1256/2024 finding no evidence against the petitioner. No final decision as

regards acceptance or non-acceptance of the final report has yet been passed. Further, the matter of consideration of the custody of the pet dog to the petitioner has been deferred by the Trial Court till a final decision taken as regards acceptance or otherwise of the final report.

7. In such obtaining fact situation, this Court does not find it necessary to embark on any further exercise on the two aspects urged at this stage. Consequently, this criminal petition is closed, reserving the liberty to the petitioner to avail appropriate remedy in the event the petitioner is aggrieved by any order passed on the final report and/or on his prayer for custody of the pet dog by the Trial Court.

JUDGE

Comparing Assistant