

GAHC010035312026



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

**Case No. : Crl.Pet./250/2026**

MD MAMAT ALI AND 4 ORS.  
S/O LATE HABIBAR RAHMAN  
R/O VILL- NAGAON, MANGALDAI,P.O. CHAMATIAPARA, P.S. SIPAJHAR,  
DIST. DARRANG, ASSAM, PIN-784147

2: MD. MATIN ALI  
S/O LATE HABIBAR RAHMAN  
R/O VILL- NAGAON  
MANGALDAI  
P.O. CHAMATIAPARA  
P.S. SIPAJHAR  
DIST. DARRANG  
ASSAM  
PIN-784147

3: MD. MUKUL ALI  
S/O LATE HABIBAR RAHMAN  
R/O VILL- NAGAON  
MANGALDAI  
P.O. CHAMATIAPARA  
P.S. SIPAJHAR  
DIST. DARRANG  
ASSAM  
PIN-784147

4: MD. FARUK ABDULLAH  
S/O MD. MANIR ALI  
R/O VILL- NAGAON  
MANGALDAI  
P.O. CHAMATIAPARA  
P.S. SIPAJHAR  
DIST. DARRANG  
ASSAM  
PIN-784147

5: MD. OMAR ABDULLAH  
S/O MD. MANIR ALI  
R/O VILL- NAGAON  
MANGALDAI  
P.O. CHAMATIAPARA  
P.S. SIPAJHAR  
DIST. DARRANG  
ASSAM  
PIN-78414

VERSUS

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

2:KHAIRUN NESSA  
W/O LATE ISLAMUDDIN SHEIKH  
R/O VILL- NAGAON  
MANGALDAI  
P.O. CHAMATIAPARA  
P.S. SIPAJHAR  
DIST. DARRANG  
ASSAM  
PIN-78414

**Advocate for the Petitioner** : MR. R SARMA, P DUTTA,MR. S K ROY,MR. J K ROY

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**  
**HON'BLE MRS. JUSTICE MITALI THAKURIA**  
**ORDER**

**23-02-2026**

Heard Mr. R. Sarma, learned counsel for the petitioners and Mr. B. Sarma, learned Additional Public Prosecutor, for the State respondent.

This is an application filed under Section 528 BNSS read with Section 482 CrPC praying for quashing of the FIR dated 09.02.2024 and charge sheet dated 30.05.2024 of Sipajhar P.S. Case No. 17/2024 including the proceeding of PRC

Case No. 1128/2024 pending in the Court of learned Additional CJM, Darrang.

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

As the State respondent is represented by the learned APP, no formal notice need to be issued.

It is submitted by Mr. Sarma, learned counsel that the petitioners are innocent and they have not committed any such offence as alleged in the FIR.

The two sons of the informant/respondent No.2 had assaulted the accused petitioner No.1 for which he sustained grievous injury on his person and accordingly, an FIR was lodged by him. Only as a counterblast the subsequent FIR was lodged by the respondent No.2. with some false and concocted allegation.

Further from the medical report it is seen that she did not sustained any injury though it is alleged that she sustained grievous injury on her person due to assault made by the present petitioners.

Mr. Sarma, learned counsel further submitted that accused petitioner No.5 is a young boy and he got selected as a Agniveer for which the case against him may be stayed till disposal of the present petition.

Further, it is submitted by Mr. Sarma, learned counsel that the petitioner No.2, namely, Md. Matin Ali had expired yesterday and also furnished a death certificate issued by the GMCH.

In view of above, the case against the petitioner No.2 stands abetted and the Registry is directed to struck off the name of petitioner No.2 from the cause title of this case.

Mr. Sarma, learned APP submitted in this regard that there may be cross cases against the son of the informant/respondent No.2, but the case has already been investigated and after investigation the case has been charge sheeted under Section 447/294/506/323/34 IPC against all the petitioner and accordingly he raised objection and submitted that this may not be a fit case for passing any order of stay.

Heard the submissions of the learned counsel for both sides.

Registry shall call for the scanned copy of the TCR.

However, considering the submission made by the learned counsel for both sides, the proceeding against the petitioner No.5 Md. Omar Abdullah be stayed till next date of listing of the matter.

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

**JUDGE**

**Comparing Assistant**