

GAHC010075442026



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

Case No. : Crl.Pet./558/2026

MD HAIDAR ALI
S/O LATE TAYEB ALI
R/O LAHDOIGARH CHARIALI, P.O. LAHDOIGARH, P.S. TEOK, DIST.
JORHAT, ASSAM, PIN-785700

VERSUS

JYOTISHMA PHUKAN
D/O MD. HAIDOR ALI
R/O LAHDOIGARH CHARIALI, P.O. LAHDOIGARH, P.S. TEOK, DIST.
JORHAT, ASSAM, PIN-785700

Advocate for the Petitioner : MR G ALAM, S K SARFRAJ KARIM, SAIDUL ROHMAN, N
KAKOTI, MR S R A NASER

Advocate for the Respondent : ,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 27.04.2026

Heard learned counsel Mr. G. Alam for the petitioner Md. Haidor Ali, who has filed this application under Section 528 of the Bharatiya Nagarik Suraksha

Sanhita, 2023, with prayer for quashing the proceeding in C.R. No. 647/2025 pending in the Court of learned Judicial Magistrate First Class, Jorhat.

2. It is submitted that the complaint case was registered under Sections 295(A)/298/406/420/468 of the Indian Penal Code, 1860 and corresponding Sections 299/302/316(2)/318/336(3) of the Bharatiya Nyaya Sanhita, 2023. It is submitted that no case under the aforesaid sections of law has been made out against the petitioner. It is submitted that the petitioner is an elderly person, aged 67 (Sixty Seven) years old. The petitioner is the birth father of the complainant. It is submitted that the petitioner follows 'Islam', whereas the complainant follows 'Hinduism' as the complainant's mother is also a Hindu by birth.

3. The allegation against the petitioner is that he attempted to convert the complainant to 'Islam' and therefore, he exercised pressure to convert the complainant's fiancée, with whom the complainant is willing to marry, to 'Islam'. The other allegation is that the petitioner transferred a portion his immovable property covered under Patta No. 549, Dag No. 2164, situated at Narahilaidari village, Hollongapar Mouza, Teok Revenue Circle, admeasuring 2 Kathas to the complainant through a registered Sale Deed and a house was constructed thereon. The petitioner without taking the consent of the complainant let out the house on rent.

4. It is further submitted that the petitioner never interfered with the liberty of the complainant to follow the religion of her choice. Her name clearly reflects that she is following Hinduism without any hindrance from the petitioner. The birth certificate marked as Annexure-2 reflects the petitioner's name which reveals the religion she is following.

5. It is also submitted that the Title Suit No. 45/2025 and Money Suit No. 03/2025, pending before the Court of Civil Judge (Senior Division), Jorhat, has been brought up by the petitioner against the complainant. The parties are at litigation in several cases. No FIR was lodged against the petitioner and a false complaint has been filed.
6. I have considered the submissions that the petitioner is a senior citizen, aged 67 (Sixty Seven) years. I have also considered the submissions that the petitioner is the complainant's father.
7. At this stage, there appears to be justified ground to stay the proceeding of C.R. No. 647/2025 pending in the Court of learned Judicial Magistrate First Class, Jorhat. Thereby, the proceeding of C.R. No. 647/2025 pending in the Court of learned Judicial Magistrate First Class, Jorhat, is stayed till the next date of listing.
8. Issue notice to respondent, returnable within four weeks.
9. Call for the scanned copies of the Trial Court Records.
10. List accordingly.

JUDGE

Comparing Assistant