

GAHC010077472022



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

Case No. : Crl.Pet./367/2022

PRAHLAD DAS AND ANR
SON OF LATE JADU DAS
R/O VILL- PURONA SALONA
P.O. SAMAGURI
DIST. NAGAON, ASSAM
PIN-782139

2: SMT. USHA RANI DAS
W/O LATE JADU DAS
R/O PURONA SALONA
P.O. SAMAGURI
DIST. NAGAON
ASSAM
PIN-78213

VERSUS

THE STATE OF ASSAM AND ANR
THROUGH THE PP, ASSAM

2:SMT. MEGHALI DAS @ MANGALI DAS
R/O BORALIGAON GALIGHAT

P.S. AND P.O. KALIABOR
DIST. NAGAON
ASSAM

PIN-78213

Advocate for the Petitioner : MR. B K DAS

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

27-04-2022

Heard Shri B.K. Das, learned counsel for the petitioners, who have filed this application under Section 482 of the Cr.P.C. in connection with the D.V. Case No. 728/2019 pending before the Court of learned Judicial Magistrate 1st Class, Nagaon, (Assam).

It is the case of the petitioners that the respondent no. 2, who is the estranged wife of the petitioner no. 1 has initially lodged a complaint under Section 498A of the IPC alleging harassment caused to her by the petitioner no. 1 and the said complaint have been rejected and the petitioner no. 1 is acquitted.

Shri Das, the learned counsel for the petitioners has also drawn the attention of this Court to the judgment wherein it has been recorded that for the last more than three years, the respondent no. 2 was living separately. It is the projection of the petitioners that after the said acquittal on the same allegations, the present complaint has been filed under the Protection of Women from Domestic Violence Act, 2005 which is absolutely abuse of process of the Court. The delay in approaching the Court has been explained because of the ongoing pandemic.

Issue notice, returnable by 6 (six) weeks.

Shri B.B. Gogoi, learned Addl. Public Prosecutor, Assam accepts notice on behalf of the respondent no. 1.

Extra copies be served upon him during the course of the day.

Steps for service upon the respondent no.2 be taken by registered post with A/D.

Steps within two days.

Heard the learned counsel on the interim prayer.

After hearing, it is directed that till the returnable date, further proceedings in D.V. Case No. 728/2019 pending in the Court of learned Judicial Magistrate 1st Class, Nagaon shall remain suspended.

JUDGE

Comparing Assistant