

GAHC010081182021



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

Case No. : Crl.Pet./334/2021

DR. NEENA SHARMA
W/O DR. INDRAJIT SHARMA,
RESIDENT OF 68, DR. B. BAROOAH ROAD, PS PALTAN BAZAR, GUWAHATI
781007, DIST KAMRUP M ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY PP ASSAM

2:SMTI. JUPITORA BARUAH

W/O SRI RAJIB BARUAH

RESIDENT OF PRAKRITIK NIBAAS
BLOCK 1
4C
KANWACHAL ROAD
SILPUKHURI
GUWAHATI 781003
PS CHANDMARI
DIST KAMRUP M ASSA

Advocate for the Petitioner : MR A C BORBORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 24-09-2021

Heard Mr. A.C. Borbora, learned Sr. counsel assisted by Ms. N. Dey, learned counsel for the petitioner. Also heard Ms. B. Bhuyan, learned Addl. P.P. Assam appearing for the State.

By filing this petition a prayer has been made to quash the complaint case No. 1970/2019 instituted in the court of Chief Judicial Magistrate, Kamrup (M) at Guwahati.

By referring to the complaint as well as the documents annexed thereto, Mr. Borbora submits that the dispute raised therein, at best would constitute a civil dispute, warranting specific performance of the agreement and therefore, there was no scope for the complainant to institute a criminal proceeding against the petitioner.

After going through the complaint as well as the documents available on record, I find force in the submission of Mr. Borbora, learned Sr. counsel for the petitioner.

Issue notice returnable in 06 weeks.

Since Ms. Bhuyan has appeared and accepted notice on behalf of the respondent No. 1, no formal notice is required to be sent to the said respondent.

Petitioner to, however, take steps for service of notice upon the complainant/ respondent No. 2 by registered post with A/D as well as by usual process.

Steps within a week from today.

Heard on the prayer of interim relief.

Having regard to the facts and circumstance of the case in its entirety, it is provided

that further proceeding in connection with the Complaint Case No. 1970/2019 shall remain suspended until further order(s).

JUDGE

GS

Comparing Assistant