

GAHC010083272024



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

Case No. : Crl.Pet./482/2024

MD MAMTAJ ALI
S/O LATE MASLIM ALI
R/O VILL- NO. 2 LOHARKATHA
P.O. LOHARKATHA, P.S. MUKALMUA
DIST. NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:AYEJA BEGUM
W/O MAMTAJ ALI
D/O LATE MATLEB ALI
R/O VILL- GANGAPUR
P.O. DEHAR KALAKUCHI
P.S. MUKALMUA
DIST. NALBARI
ASSA

Advocate for the Petitioner : MR S RAHMAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 26.04.2024

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

2. This petition, under Section 482, Cr.P.C., is preferred by the petitioner, namely, Md. Mamtaj Ali for quashing the proceedings of P.R.C. Case No. 447/2023 pending before the Court of learned Chief Judicial Magistrate, Nalbari.

3. I have perused petition and the grounds mentioned therein.

4. Let notice be issued to the respondents returnable in four weeks.

5. Steps be taken upon the respondent No. 2 by way of registered post with A/D as well as through usual process within a week from today.

6. No formal notice is required to be issued upon the respondent No. 1 as Ms. S.H. Bora, learned Additional Public Prosecutor appears and accepts notice. However, extra requisite copies of the petition be furnished to her during the course of the day.

7. Registry shall call for the scanned copy of the record from the learned Court below.

8. Mr. Rahman, learned counsel for the petitioner submits that the dispute is between the husband and the wife and there are as many as two cases, being D.V. Case No. 4/2023 and C.R. Case No. 254/2022, pending before the Court of learned SDJM(S), Nalbari and the Court of learned JMFC, Nalbari, respectively, and vide deed of agreement dated 02.06.2023, which is annexed with the petition as Annexure 4, they have already settled the same and in view of Annexure 5, which is enclosed with the petition at page No. 36, the parties are

also bound to resolve all the cases pending before them and therefore, Mr. Rahman submits that further proceedings of P.R.C. Case No. 447/2023 may be stayed till the next returnable date.

9. Having heard the submission of Mr. Rahman, learned counsel for the petitioner and Ms. Bora, learned Additional Public Prosecutor for the respondent No. 1, and also considering the documents placed on record, specially the Annexure 4 and Annexure 5, this Court is inclined to stay further proceedings of P.R.C. Case No. 447/2023 pending before the Court of learned Chief Judicial Magistrate, Nalbari till next returnable date.

10. List the matter after four weeks.

JUDGE

Comparing Assistant