

GAHC010090522022



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

Case No. : Crl.Pet./422/2022

HAFIZUR RAHMAN
S/O ARFAN ALI
R/O CHENGA MUSALMANPARA
P.O. CHENGA, P.S. TARABARI
DIST. BARPETA, ASSAM

VERSUS

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

2:MISS SAMSUN NEHAR
D/O BADIR UDDIN AHMED
R/O CHENGA MUSALMANPARA
P.O. CHENGA P.S. TARABARI
DIST. BARPETA, ASSAM

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN
ORDER

13.05.2022

By way of this application filed under Section 482 CrPC, the petitioner has prayed for quashing of the Charge Sheet No. 118, arising out of Azara PS Case No. 495/2021, under Section 498(A) IPC (GR No. 12398/21)

Heard the learned counsel for both the parties.

Referring to the documents annexed, learned counsel for the petitioner has led the Court towards the facts of the case that after two months of the marriage, the mother-in-law of the petitioner lodged the FIR against the entire family, raising allegation of torture on 18.04.2021, which was registered as Barpeta PS Case No. 901/2021, under Section 498(A) IPC, which has ended at Final Report on 29.05.2021. Thereafter, the wife of the petitioner although came to stay with him and run the conjugal life, but subsequently, on 21.08.2021, the present FIR has been filed in a vague manner, raising the same allegation of torture, whereas there is no such authenticity in the allegation made in the FIR and it is the repetition of the earlier allegations that were made in the FIR dated 18.04.2021.

Considered the submissions made by the learned counsel for the petitioner and also the learned Additional Public Prosecutor and the various SMS/messages and conversation exchanged/made between the parties, after the said incident have been looked into, vide Annexure-5, which reveals that there was a good relation between the parties.

Let a notice be issued to the respondent No. 2, by registered post with A/D as well as by usual process, returnable by 4 (four) weeks.

Let extra copies of the petition be furnished to the learned Additional Public Prosecutor, who is representing the respondent No. 1.

Call for the legible scanned copy of the LCR as well as the Case Diary from the concerned Court.

Registry will take necessary steps in this regard.

Considering all entirety of the matter, further proceeding of the GR Case No. 12398/2021, is hereby stayed, till the returnable date.

JUDGE

Comparing Assistant