

GAHC010104402024



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

Case No. : Crl.Pet./613/2024

TULSI RAM AGARWAL @ TULSHIRAM AGARWAL AND ANR
S/O LT. PHOOL CHAND AGARWAL, R/O S.P. MUKHERJEE ROAD, FLAT NO.
202, SILIGURI, P.S.-SILIGURI, WEST BENGAL, PIN-734004

2: HANSHU AGARWAL
S/O SRI TULSI RAM AGARWAL
R/O VILL- MARDAN KUNJ
S.P. MUKHERJEE ROAD
KHALPARA
SILIGURI
DIST-DARJELLEING
WEST BENGAL
PIN-73400

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:SANWARMAL AGARWAL
S/O LATE CHETRAM AGARWAL
C/O GOPIRAM CHETRAM
R/O SIDING BAZAAR
BACKSIDE OF MITTAL PHARMACY
P.O. AND P.S.-TINSUKIA
TINSUKIA
DIST- TINSUKIA
ASSAM
PIN-78615

Advocate for the Petitioner : MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

28.05.2024

1. Heard Mr. N. Mahajan, learned counsel for the petitioner. Also heard Mr. K. K. Parashar, learned Additional Public Prosecutor for the State.
2. The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashment of proceeding arising out of P.R.C. Case No. 1281/2023 under Sections 406/420/34 of the IPC pending in the Court of learned Chief Judicial Magistrate, Tinsukia in connection with Tinsukia Police Station Case No. 1987/2021 under Section 406/420 of IPC.
3. The aforesaid proceeding was initiated on the basis of an F.I.R. lodged by the respondent No. 2 before the Officer-in-Charge, Tinsukia Police Station which was registered as Tinsukia Police Station Case No. 1987/2021 under Section 406/420 of IPC.
4. Perusal of the FIR, leads to a prima facie view that the dispute is suggestive of a dispute arising out of a commercial transaction and prima facie, subject to further consideration, makes out no case under Sections 406/420 of IPC.
5. Considering the above, let a notice be issued to the respondents, returnable after four weeks.
6. As Mr. K. K. Parashar, learned Additional Public Prosecutor for the State accepts notice on behalf of the respondent No. 1, no formal notice need be issued to the said respondent.
7. The petitioner to take steps for issuance of notice upon the respondent No. 2 by way of registered post with A/D as well as usual process within a period of five

days from today.

8. Considering the matter in entirety, it is provided that the further proceeding of P.R.C. Case No. 1281/2023 under Sections 406/420/34 of the IPC pending in the Court of learned Chief Judicial Magistrate, Tinsukia in connection with Tinsukia Police Station Case No. 1987/2021 under Section 406/420 of IPC shall remain suspended.
9. Registry shall call for the scanned copies of the records of the P.R.C. Case No. 1281/2023 under Sections 406/420/34 of the IPC pending in the Court of learned Chief Judicial Magistrate, Tinsukia as well as the case diary of Tinsukia Police Station Case No. 1987/2021 under Section 406/420 of IPC.
10. List this matter after four weeks.

JUDGE

Comparing Assistant