

GAHC010121782019



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

Case No. : Crl.Pet. 630/2019

1:MOIDUL ISLAM AND 3 ORS.

S/O MD MOHIBUL HUSSAIN, R/O VILL- SORUMOTORIA, ANOWARA PATH,
HOUSE NO. 80, GUWAHATI-781006, DIST-KAMRUP(M), ASSAM

2: TAKADDUS HUSSAIN

REGISTRAR

MUSLIM MARRIAGE AND DIVORCE

DARRANG

MANGALDOI

DIST-DARRANG

ASSAM

PIN-784125

3: AMIR ALI

C/O MD MOHIBUL HUSSAIN

R/O VILL- SORUMOTORIA

ANOWARA PATH

HOUSE NO. 80

GUWAHATI-781006

DIST-KAMRUP(M)

ASSAM

4: MAINAL MIYA

C/O MD MOHIBUL HUSSAIN

R/O VILL- SORUMOTORIA

ANOWARA PATH

HOUSE NO. 80

GUWAHATI-781006

DIST-KAMRUP(M)

ASSA

VERSUS

1:THE STATE OF ASSAM AND ANR.

REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:MD ZAKIR HUSSAIN
S/O LATE MAZIBUDDIN AHMED
R/O FOUZDARIPATTY (KATHMILL)
WARD NO. 14
NAGAON TOWN
P.O. AND P.S.-NAGAON
DIST-NAGAON
ASSAM
PIN-78200

Advocate for the Petitioner : MR. JUNM LASKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE RUMI KUMARI PHUKAN

ORDER

Date : 28-06-2019

Heard learned counsel for the petitioners.

By way of this application, the petitioners have sought for quashing of C.R. Case No. 996/2018 pending before the learned CJM, Nagaon wherein learned trial court has taken cognizance of the offence under Sections 498(A)/406/34 IPC against them.

Referring to the bunch of documents that has been annexed, it is submitted that the petitioner No.1 being the husband had given Talak to his wife namely, Nasrim Sultana as per the proper procedure by sending a registered notice etc. but despite this father of said Nasrim Sultana has lodged the complaint with certain concocted allegations that such Talaknama was prepared falsely on the same very day whereas according to the petitioner, the notice of Talaknama was prepared for more than one month intervention.

On the basis of documents annexed, I found substance in the submissions of the learned counsel for the petitioner.

Let a Notice be issued to the respondent No.2 by registered post and by usual process. Returnable by 6 weeks.

Considering the entirety of the matter, further proceedings of C.R. Case No. 996/2018 pending in the court of learned CJM, Nagaon is stayed, till the returnable date.

List after 6 (six) weeks.

JUDGE

Comparing Assistant