

GAHC010123782022



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

Case No. : WP(C)/4214/2022

ABDUL KADER
S/O- LATE MOKRAM ALI, R/O- VILLAGE- SALMARA PART-IV, P.O.-
BONDIHANA, P.S.- FAKIRGANJ, DISTRICT- DHUBRI, ASSAM. PIN- 783349.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, HOME DEPTT., DISPUR, GUWAHATI-06.

2:THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI-07.

3:THE SUPERINTENDENT OF POLICE
DHUBRI
DISTRICT- DHUBRI
ASSAM
PIN- 783301.

4:THE OFFICER-IN-CHARGE
FAKIRGANJ POLICE STATION
DISTRICT- DHUBRI
ASSAM
PIN- 783330.

5:THE I/C
BONDIHANA POLICE OUTPOST
P.S.- FAKIRGANJ
DISTRICT- DHUBRI
ASSAM

PIN- 783349.

6:SMT. SUKURI KHATUN
D/O- ASHAN ALI
R/O- VILLAGE- DIMATOLA PART-II
P.O.- JORUARCHAR
P.S.- FAKIRGANJ
DISTRICT- DHUBRI
ASSAM. PIN- 783339

Advocate for the Petitioner : MR. M A ISLAM

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

24.06.2022

Heard Mr. M.A. Islam, learned counsel for the petitioner and Ms. M. Barman, learned Junior Government Advocate, Assam for the respondent nos. 1 – 5.

2. It is the case of the petitioner that on 19.04.2022, the police personnel from Bondihana Police Outpost took the petitioner into custody and after detaining him for about three hours, he was released. It is contended by the petitioner that there was no crime case registered against him. It is it is contended by the petitioner that he was detained by the police personnel at the instance of the respondent no. 6 on the basis of an oral complaint. The petitioner has averred that the petitioner's son is about 19 years of age and the family members along with the respondent no. 6 had forcefully solemnized the marriage between the son of the petitioner and the respondent no. 6 on 03.08.2021. As such marriage is evidently a void marriage, the petitioner has instituted a suit before the learned Family Court at Dhubri vide Title Suit [M] no. 06/2022 to declare the said marriage as a nullity. The petitioner has also filed a complaint against the respondent no. 6 and others and the same was registered as C.R. Case no. 182/2022 before the Court of learned Chief Judicial Magistrate, Dhubri. Thereafter, the said complaint has been forwarded under Section 126[3],

CrPC by the learned Chief Judicial Magistrate to the Officer In-Charge, Fakirganj Police Station for investigation and necessary action.

3. Issue notice of motion, returnable in 4 [four] weeks.

4. As Ms. Barman, learned Junior Government Advocate, Assam has appeared and accepted notices on behalf of the respondent nos. 1 – 5, no formal notices need to be issued to said respondents. Mr. Islam shall furnish requisite nos. of extra copies along with the annexures, to Ms. Barman within 3 [three] working days.

5. The petitioner shall take steps for service of notice upon the respondent no. 6 by registered post with A/D within 3 [three] working days from today.

JUDGE

Comparing Assistant