

GAHC010130122025



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

Case No. : Crl.Pet./702/2025

DR NISHA TOTEJA
W/O- DR. S ROHIT , R/O- FLAT NO. 203, TYPE IV QUARTER, AIIMS,
GUWAHATI, P.O- AND P.S CHANGSARI, DIST- KAMRUP, ASSAM, PIN-781101,

VERSUS

THE STATE OF ASSAM
REP BY PP, ASSAM

2:ASHOK PURANIK
S/O- RAM SHARAN PURANIK
EXECUTIVE DIRECTOR
AIIMS GUWAHATI
P.O AND P.S-CHANGSARI
DIST-KAMRUP
ASSAM
PIN-78110

Advocate for the Petitioner : MR. K N CHOUDHURY, K AHMED,MS U SHARMA,MR. S P SHARMA

Advocate for the Respondent : PP, ASSAM,

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

23.06.2025

Heard Mr. K.N. Choudhury, learned Senior Counsel assisted by Mr. S.P. Sharma, learned counsel for the petitioner.

This Criminal Petition is filed under Section 528 of the NBSS, 2023 seeking interalia setting aside and quashing the impugned C.R. Case No. 124/2024 registered under Section 356 of Bharatiya Nyay Sanhita, 2023 pending before the Court of Judicial Magistrate 1st Class No. 2, Kamrup at Amingaon, Assam.

Issue notice to the respondents.

Mr. R.J. Baruah, learned Addl. Public Prosecutor accepts notice on behalf of the respondent No. 1.

Extra copies within the course of the day.

Steps by registered post with A/D in respect of respondent No. 2 returnable on 16.07.2025.

Perusal of the complaint petition appears that the allegation of the complainant is that the petitioner submitted a complaint before the PMO registration No. PMOPG/E/2024/0126760 wherein she alleged certain gross irregularities including non-compliance to The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal), 2013, corruption etc. against the complainant.

It appears that aforesaid complaint has been registered under Section 356 of the BNS, 2023.

Prima facie it appears that the allegation even if taken on the face value, the ingredients of Section 356 of the BNS, 2023 i.e. “defamation” is not made out.

Accordingly, further proceeding in Complaint Case No. 124/2024 pending before the Hon’ble Court of Judicial Magistrate 1st Class No. 2, Kamrup at Amingaon, Assam shall remain stayed until the returnable date.

List accordingly.

JUDGE

Comparing Assistant