

GAHC010142972026



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

Case No. : Crl.Pet./1011/2026

IRFANUL HOQUE
S/O MD. ABDUL JALIL
VILLAGE - HATIMURIA, P.S.- MOIRABARI, DISTRICT - MORIGAON, ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM

2:ARIF MOHAMMAD ARSHAD
S/O MD. KAHDEM ALI
VILLAGE - MILANPUR
P.S.- MORIGAON
DISTRICT - MORIGAON
ASSA

Advocate for the Petitioner : MR. N UDDIN, MR S K CHHETRY,MR. M ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 17.07.2026

Heard learned Counsel Mr. N. Uddin for the petitioner Irfanul Hoque who has filed this application under Section 528 of BNSS, 2023 for quashing of the PRC Case No.771/2023 arising out of Morigaon P.S. Case No.250/2021, under section

420 of the IPC before the court of learned JMFC-II, Morigoan.

2. Learned Additional Public Prosecutor Mr. K.K. Das is present and has accepted notice on behalf of the State respondent. As such, no further notice is required to be issued. Learned Addl.Public Prosecutor has raised serious objection stating that are no grounds to stay the proceedings of PRC case No. 771/2023 without going through the Case Diary as well as the statements of the witnesses. A *prima facie* case has been found against the petitioner and thus, the trial court had framed charge under section 420 of the IPC. Thus, strong objection has been raised by the learned Addl.Public Prosecutor.

3. It is submitted on behalf of the petitioner that this is a civil case given a criminal colour.

4. The allegation against the petitioner is that he had borrowed an amount of Rs. 2,20,000/- from the respondent No.2 as loan by executing a loan agreement. There is no inducement or there is no ingredient of cheating and no case of 420 IPC has been made out against the petitioner.

5. I have considered the submissions and the Bar.

6. It appears that further proceedings may be stayed till the next date of listing.

7. Call for the scanned copy of the TCRs and scanned copy of Case Dairy.

8. Issue notice to respondent No.2, returnable within 02(two) weeks.

9. Meanwhile, the further proceedings of PRC case No. 771/2023 is stayed till the next date of listing.

10. List after 02(two) weeks.

JUDGE

Comparing Assistant