

GAHC010177952025



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

Case No. : Crl.Pet./1103/2025

MANISH KUMAR JHA AND 3 ORS
SON OF JIVENDRA JHA
R/O A-10ABIRKUNJ APARTMENT, ZOO ROAD, PIN-781025, DIST. KAMRUP,
ASSAM

2: PRABIN KUMAR SETHY
S/O LATE MADHU SUDAN SETHY
R/O JAMUJODI
P.O. BADANUAGAO
P.S. HARICHANDANPUR
DIST. KEONJHAR
ODISHA
PIN-758028
PRESENTLY RESIDING AT BORTHAKUR MIL ROAD
ULUBARI
GUWAHATI.

3: SHAMIM REYAZ
S/O MD. SALIM
R/O R 62/1 METIA BRUJ HIGH SCHOOL LANE
GARDEN REACH ROAD
KOLKATA.

4: SHAMSHAD AHMAD
S/O LATE S M ALI AHMAD
R/O H-404
JAIPURIA SUNRISE
GREENS APARTMENT
INDRAPURAM
AHINSA KHAND
GHAZIABAD

VERSUS

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

2:RIMA DUTTA
W/O DEBOPRIYO DUTTA
R/O H. NO. 9
HIRONMOYEE KUTIR

ANANDA NAGAR
GMCH ROAD
GUWAHATI-05

Advocate for the Petitioner : MR B P BORAH, MR P J DUTTA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 09.09.2025

- 1.** Heard Mr. P. K. Goswami, the learned senior counsel assisted by Ms. J. Gogoi, the learned counsel for the petitioners. Also heard Mr. K. K. Parasar, the learned Additional Public Prosecutor for the State respondent.
- 2.** This application under Section 528 of BNSS, 2023 has been filed by the petitioners praying for quashing of the FIR dated 28.04.2025 lodged by the respondent No. 2 before the Bhangagarh Police Station on the basis of which Bhangagarh P. S. Case No. 108/2025 has been registered under Section 61(1)/316(2)/336(3)/340(2)/3(5) of the BNS, 2023.
- 3.** The learned counsel for the petitioners has submitted that the petitioners are already on anticipatory bail and they have cooperated in the investigation.
- 4.** He however, submits that no ingredients of the alleged offence has been made out in the FIR and, therefore, seeks quashing of the FIR as well as

the Criminal Proceedings.

5. Let the notice be issued to the respondents.
6. As learned Additional Public Prosecutor has appeared for the respondent no. 1, no formal notice need to be issued to the respondent no.1.
7. As regards respondent No.2 is concerned, the petitioner shall take steps for service of notices to the respondent No.2 by registered post with A/D as well as by usual mode within seven days from the date of receipt of this order, returnable after four weeks.
8. Call for the case diary of Bhangagarh P. S. Case No. 108/2025.
9. Let this matter be listed **on 14.10.2025.**

JUDGE

Comparing Assistant