

GAHC010185932024



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

Case No. : Crl.Pet./1138/2024

RISHI CHUTIA
S/O GUNIN CHUTIA
R/O EX-SERVICEMAN COLONY
NEAR LP SCHOOL,
P.S. SADIYA
DIST. TINSUKIA, ASSAM
PIN-786125

VERSUS

LUTFOR RAHMAN
S/O LATE ABDUR RAHIM
R/O COLLEGE ROAD,
NATH PARA,
BIDYAPARA PART-II,
P.O. KHALIPUR P.S. DHUBRI,
DIST. DHUBRI, ASSAM
PIN-783324

Advocate for the Petitioner : MR. K M HASSAN, MR. N K HALOI

Advocate for the Respondent : MR. Z ALAM, MR. J ISLAM, MS. S NAZNEEN

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

Date : 19.01.2026

Heard Mr. K.M. Hassan, learned counsel for the petitioner. Also heard Mr. Z. Alam, learned counsel for the sole respondent.

The learned counsel for the respondent fairly concedes that the order of taking cognizance which is under challenge in the instant petition is erroneous, in view of the decisions of the Hon'ble Supreme Court in the case of ***Yogendra Pratap Singh Vs Savitri Pandey and Anr*** reported in (2014) 10 SCC 713 and ***Gajanand Burange Vs Laxmi Chand Goyal*** reported in 2022 LiveLaw (SC) 682 and accordingly submits that as per the aforesaid decisions the respondent/complainant may be allowed to withdraw this complaint and file fresh complaint as may be permissible in view of the aforesaid decisions.

Learned counsel for the petitioner has no objection.

Accordingly, the order dated 29.02.2024 passed in Cr-18/2024 is hereby set aside.

Accordingly, the instant petition stands disposed of on the aforesaid terms.

JUDGE

Comparing Assistant