

GAHC010190342024



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

**Case No. : Crl.Pet./1126/2024**

RUPA BHATTACHARJEE @ RUPA DEB  
W/O SABYASACHI BHATTACHARJEE  
D/O DULAL CHANDRA DEB  
PRESENTLY RESIDING AT  
SHANTINAGAR, SHASTRI ROAD,  
SALBAGAN, NEAR SWEET CENTRE, NORTH BONGAIGAON,  
P.O., P.S. AND DIST. BONGAIGAON, ASSAM, PIN- 783380

VERSUS

SABYASACHI BHATTACHARJEE  
S/O LT. AMITABHA BHATTACHARJEE  
R/O HOUSE NO. 18,  
SURJYA SEN ROAD,  
BOTERTAL, P.O. MEHERPUR, P.S. SILCHAR, DIST. CACHAR, ASSAM, PIN-  
788015

**Advocate for the Petitioner** : MR. B J MUKHERJEE, MS R SAHA

**Advocate for the Respondent** : ,

**BEFORE  
HONOURABLE MRS. JUSTICE MALASRI NANDI**

**ORDER**

**Date : 17.09.2024**

Heard Mr. B.J. Mukherjee, learned counsel for the petitioner.

This is an application under Section 528 of BNSS, 2023 has been filed by the petitioner for quashing of C.R. Case No. 329/ 2023 under Sections 380/506 IPC pending in the Court of the learned Judicial Magistrate, First Class, Silchar, Cachar and the impugned order dated 29.01.2024 passed in the said CR Case.

Issue notice to the respondent.

The petitioner shall take steps for service of notice upon the respondent by registered post with A/D as well as usual process, returnable within 4 (four) weeks.

Steps be taken within 7 (seven) days.

Call for the legible scanned copy of the trial Court record pertaining to C.R. Case No. 329/ 2023 from the concerned court.

It is submitted by the learned counsel for the petitioner that on the basis of the same incident dated 17.04.2016 prior to lodging of the complaint case, the respondent filed an FIR before the Officer-in-Charge of Ranghirkari T.O.P. dated 20.04.2016 and the case was registered vide Silchar P.S. Case No 1043 of 2016 under Sections 448/ 506/ 380 IPC. In the complaint case, it reflects that as no steps have been taken by the police, the complaint case was filed and cognizance was taken by the Magistrate. Under such backdrop, learned counsel for the petitioner prays to stay further proceeding of C.R. Case No. 329/ 2023.

In view of the above and considering the matter in its entirety, the

proceedings of C.R. Case No. 329/ 2023 under Sections 380/506 IPC pending in the Court of the learned Judicial Magistrate, First Class, Silchar, Cachar is hereby stayed, till the next returnable date.

List the matter after 4 four) weeks.

**JUDGE**

**Comparing Assistant**