

GAHC010213512024



2026:GAU-AS:3013

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

Case No. : Crl.Pet./1251/2024

CHIRANJEEB SARKAR
S/O- CHITTARANJAN SARKAR,
R/O- VILLAGE- RATOWA PATHAR,
P.O- MONABARI, P.S- GINGIA,
BISWANATH , ASSAM, PIN-784176

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:ANJAN SEN
S/O- AMAL SEN

CONSTABLE BISWANATH POLICE STATION

BISWANATH CHARIALI

BISWANATH
ASSAM
PIN-78417

Advocate for the Petitioner : MR. I H SAIKIA, MS L HMAR,MR K KASHYAB,MR. M R
CHOUDHURY,MR. K KALITA,MR. B BORAH

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN**

ORDER

26.02.2026

Heard Mr. I.H. Saikia, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Addl. Public Prosecutor appearing for the State.

2. By this application filed under Section 528 of the BNSS, 2023 the petitioner has sought for quashing of the impugned FIR being registered as Gingia P.S. Case No. 52/2022 corresponding to G.R. Case No. 255/2022 under Sections 333/353/186/294/506 of the IPC. The petitioner has also challenged the charge sheet submitted in the aforesaid case being Charge Sheet No. 58/2022 dated 30.06.2022 as well as the proceedings of the Session Case No. 86/2022.

3. The case started with lodging of the ejahar on 24.06.2022 by the police personnel which revealed that a day before i.e., 23.06.2022 at about 11:45 at night while he along with Additional S.P, Biswanath district were coming back from Biswanath and was going towards Gohpur, saw one person lying down with bike over a bridge and assuming that an accident has taken place stopped their vehicle to help the person, but the person started abusing him and the other officer in filthy language. The informant further stated that the petitioner prevented them from doing their official duty and that he was in an inebriated state and he fought with the informant and other police officer. The police

registered the said case and upon completion of the investigation submitted charge sheet on 30.06.2022 and in the said charge sheet, it was written by the Investigating Officer that the accused person had not only used abusive language against the police personnel and others but had also assaulted and used criminal force to deter the public servant from discharge of their duty. However, the same does not appear in the FIR lodged by the informant i.e., about assaulting and using criminal force.

4. Mr. I.H. Saikia, learned counsel for the petitioner submits that after the lodging of the ejahar, the police personnel had rejected medical examination and that on the other hand, the petitioner was medically examined and number of injuries were found on his body i.e., on his forearm, legs and jaw. He as such, submits that the story projected in the FIR as well as the charge sheet is not correct and as such, has prayed for quashing of the same for the ends of justice.

5. Mr. B. Sharma, learned Addl. Public Prosecutor submits that the petitioner was in an inebriated state and it is clearly written in the FIR that he prevented the police personnel in doing their official duty. As such, he submits that the case is being made and upon investigation, the charge sheet is submitted against the petitioner.

6. On consideration of the submissions made by both the parties more so on the admitted facts that the petitioner was found with physical injuries during medical examination done on 24.06.2022 at around 1:20 p.m i.e., on the next date of occurrence and it is also stipulated in the FIR that the petitioner was taken to the police station immediately after the occurrence i.e., on 23.06.2022 at around 12:00 midnight i.e., after 11:45 at night, the injuries cannot be stated to be caused by some other incident but in relation to the incident mentioned in the FIR. Further, there appears a distinction between the contents of the ejahar and the contents of the charge sheet.

7. In view of the same, this Court finds it fit that the impugned FIR being registered as Gingia P.S. Case No. 52/2022 as well as the charge sheet submitted in connection with the said case being Charge Sheet No. 58/2022 submitted on 30.06.2022 and the subsequent proceedings of Session Case No. 86/2022 be quash for the ends of justice.

8. Petition is disposed of.

JUDGE

Comparing Assistant