

GAHC010226632025



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

Case No. : Crl.Pet./1288/2025

AZIBAR ALI SHEIKH AND 2 ORS.
S/O KADAM ALI SHEIKH
VILL- DALSINGAL PART II PS GAURIPUR DISTRICT- DHUBRI ASSAM

2: PRIYAM GHOSH
S/O PANKAJ GHOSH
VILL- GAURIPUR
WARD NO. 3
P.S. GAURIPUR
DIST. DHUBRI
ASSAM

3: AJOY KR DAS
S/O LT. TULARAM DAS
VILL- MODAN MOHAN PARK LANE NEAR RANGIRKHARI PETROL PUMP
HAILAKANDI ROAD
P.S. SILCHAR
DIST. CACHAR
ASSA

VERSUS

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

2:SWAPNIL MUKUND PATIL
OFFICER-IN-CHARGE
RUPSI AIRPORT
S/O MUKUND GOVINDROO PATIL

R/O RUPSHI AIRPORT

P.S. KAZIGAON
DIST. KOKRAJHAR

ASSAM

Advocate for the Petitioner : MR A ISLAM, E HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 27.10.2025

- 1.** Heard Mr. A Islam, learned counsel for the petitioner. Also heard Mr. K.K Das, learned Additional Public Prosecutor for the State of Assam.
- 2.** By this application under Section 528 of the BNSS, 2023, the petitioner has challenged the FIR dated 16.06.2025 registered as Kazigaon P.S Case No. 44/2024 under Section 303(2)/317(4)/3(5) of BNS, 2023 and charge-sheet being charge-sheet No. 49/2025 dated 29.07.2025 as well as the subsequent orders passed in PRC Case No. 315/2025 pending before the Court of Ld. Additional Chief Judicial Magistrate, Kokrajhar.
- 3.** Mr. A Islam, learned counsel for the petitioner submits that a compromise deed has been entered between the informant and the accused person on 16.09.2025 and he also submits that the case relates to 48 nos. of batteries which were alleged to have been stolen from the Rupsi Airport and were subsequently found at a battery store at Gauripur. However, he submit that those batteries were, in fact, taken back by the contractor after paying the required amount of money for the same which was reflected in the compromise deed.
- 4.** Issue notice to the respondent.

- 5.** Mr. K.K Das, learned Additional Public Prosecutor for the State of Assam appears for respondent No. 1 and as such, no formal notice is required to be served upon him.
- 6.** The petitioner to take steps for service of notice upon respondent No. 2, who is the informant in this case, by registered post with A/D as well as usual process.
- 7.** In view of the deed of settlement reached between the parties, this Court finds it fit that the PRC Case No. 315/2025 may be stayed till the next returnable date.
- 8.** List the matter after **3(three) weeks.**

JUDGE

Comparing Assistant