

GAHC010229972023



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

**Case No. : Crl.Pet./1111/2023**

GIRISH CHANDRA SARMAH  
S/O LT. BUDDHI RAM SARMAH R/O VILL. POTA PUKHURI UNDER  
SIPAJHAR P.S AND DIST. MANGALDOI ASSAM

VERSUS

DHIRAJ BARMAN AND ANR.  
S/O LT. JOGANANDA BARMAN R/O VILL. KAKAYA UNDER BELSOR P.S.  
DIST. NALBARI ASSAM PRESENTLY R/O H NO. 353 VIP ROAD  
HENGRABARI GUWAHATI 36 P.S. DISPUR GUWAHATI

2:THE STATE OF ASSAM  
REP BY THE PP  
ASSA

**Advocate for the Petitioner : MR D TALUKDAR**

**Advocate for the Respondent :**

**BEFORE**  
**THE HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY**  
**ORDER**

**11.10.2023**

Heard Mr. D. Talukdar, learned counsel for the petitioner. Also heard Mr. M.

P. Goswami, learned Additional Public Prosecutor for the State of Assam representing the respondent No. 2.

The present criminal petition is filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of the complaint case being C.R. Case No. 1364/2023 pending before the learned Court of Judicial Magistrate First Class, Kamrup (M) at Guwahati.

Referring to certain documents/annexures, Mr. Talukdar, learned counsel for the petitioner submits that it is apparent on the face of the record that there is no liability so far relating to the present petitioner inasmuch as the complainant is the son-in-law of the present petitioner and a specific plea has been taken that there is no similarity between the claim on the basis of which it is alleged in the complaint that there is an enforceable liability of Rs. 30 lakhs inasmuch as the land in question for which it was alleged that the money was paid is of Rs. 14 Lakhs 50 Thousand. The further contention raised is that already there is a case pending under Section 406 of IPC filed by the daughter of the present petitioner and for such dispute, the signed cheque which were with the daughter of the present petitioner, the complainant has misused it and filed a false case.

This matter needs further consideration.

Accordingly, issue notice returnable after six weeks.

As Mr. M. P. Goswami, learned Additional Public Prosecutor for the State of Assam accepts notice on behalf of the respondent No. 2, no formal notice need be issued to the said respondent.

The petitioner shall take steps for issuance of notice upon the respondent No. 1 by way of registered post with A/D as well as by usual process within a period of five days from today.

Till such return of notice, further proceeding of C.R. Case No. 1364/2023 pending before the learned Court of Judicial Magistrate First Class, Kamrup (M) at Guwahati shall remain suspended.

List accordingly.

**JUDGE**

**Comparing Assistant**