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

Case No. : Crl.Pet./1287/2022

SABITRI RAY
W/O- SRI UMESH RAY, R/O- VILL- APRO COLONY, ULUBARI, P.S-
PALTANBAZAR, DIST- KAMRUP (M), ASSAM

VERSUS

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

2:DIPALI BAYAN
W/O- LATE DR. AJANTA KR BAYAN
R/O- APRO COLONY
ULUBARI
H NO. 39
P.S- PALTAN BAZAR
DIST- KAMRUP (M)
ASSA

Advocate for the Petitioner : MR B CHANDA,

Advocate for the Respondent : PP, ASSAM, MR. SURAJIT DAS, AMICUS CURIAE (R-2)

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

21.08.2026

Heard Mr. B. Chanda, learned counsel for the petitioner and Mr. P. Barthakur, learned Additional Public Prosecutor for the State respondent. Also heard Mr. S. Das, learned Amicus Curiae for the respondent No. 2.

2. In this petition, under Section 482 of the CrPC, the petitioner, namely, **Smti. Sabitri Ray**, has prayed for setting aside/quashing or dropping the name of the petitioner from the Charge-sheet No. 114/2019, filed in PRC Case No. 1860/2019, pending before the Court of the learned Sub-Divisional Judicial Magistrate (S), No. II, Kamrup (Metro), Guwahati.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Dipali Bayan, on 30.10.2018. The essence of allegation against the present accused in the FIR, dated 30.10.2018, is that the house of the informant is at APRO Colony, under Paltan Bazar Police Station and on 18.10.2018, when she wanted to enjoy Puja by wearing gold ornaments, she did not find the same in the godrej. Thereafter, when she enquired about the ornaments from one Amrit Roy, he confessed before her about stealing all her gold ornaments, of worth Rs. 3,50,000/-. She also suspects the involvement of the parents of said Amrit Roy, in the said incident.

4. Upon the said FIR, Paltan Bazar Police Station Case No. 1096/2018, under Section 380 IPC, was registered and investigation was carried out. After

completion of investigation, police submitted charge sheet against one Sunil Mandal, Amrit Ray and Smti Sabitri Ray, under Sections 380/511 of the IPC, to stand trial in the Court.

5. Mr. Chanda, learned counsel for the petitioner submits that the petitioner herein is innocent and the informant only doubts about her involvement in the offence. He also submits that none of the witnesses examined by the I.O., during the course of investigation, have implicated her and as such, further proceeding of the case against the petitioner, namely, Smti. Sabitri Ray, would be an abuse of the process of the Court and therefore, he has contended to set aside the entire proceeding, qua the present petitioner.

6. Per contra, Mr. Barthakur, learned APP also fairly submits that none of the witnesses have implicated the present petitioner with the offences alleged in the FIR, except, however, the fact that she is the mother of one of the accused, namely, Amrit Ray, who has been arrested and charge-sheeted in this matter.

7. Mr. S. Das, learned Amicus Curiae, for the respondent No. 2, also submits that except the statement made by the accused Amrit Ray, that his mother Smti. Sabitri Ray told him not to disclose the matter to police; there are no other materials, either direct or indirect, against the present petitioner.

8. Having heard the submissions of the learned counsel for both the parties, this Court has carefully gone through the petition and the documents placed on record and also gone through the scanned copy of the record received from the learned Trial Court.

9. It appears that none of the witnesses examined by the I.O., during the course of investigation, have implicated the petitioner herein, with the offences alleged in the FIR. And in the FIR, only doubt has been expressed by the informant towards her involvement. But, to substantiate the said doubt, there is no material on record, as none of the witnesses have implicated her.

9.1 Though, accused Amrit Ray has stated that his mother Smti. Sabitri Ray, has told him not to disclose the fact to police, yet, to the considered opinion of this Court, the said statement falling short of to show the culpability of the petitioner with the offences alleged in the FIR.

10. The law with regard to quashing of the proceeding is well settled in a catena of decisions of the Hon'ble Supreme Court, including the decision in the case of **Narinder Singh Vs. State of Punjab**, reported in **(2014) 6 SCC 466**. IN the said case, it has been held that the guiding factor for quashing of the proceeding is to serve the end of justice or to prevent the abuse of the process of the Court.

11. In the instant case, in absence of any material, either direct or indirect, if the petitioner is allowed to stand trial, then it would be an abuse of the process of the Court. And instead, if the petition is quashed, then it will serve the ends of justice.

12. Accordingly, considering the above and also considering the statement of the learned counsel for the petitioner, this Court is inclined to allow this petition. The proceeding of PRC Case No. 1860/2019, and the Charge-sheet No. 114/2019, under Sections 380/511 of the IPC, pending before the Court of the

learned Sub-Divisional Judicial Magistrate (S), No. II, Kamrup (Metro), Guwahati, qua the present petitioner; stands set aside and quashed.

13. In terms of the above, this criminal petition stands disposed of.

JUDGE

Comparing Assistant