

GAHC010262882025



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

Case No. : Crl.Pet./1554/2025

SRI SANTU ROY AND ANR
SON OF SHYAM SUNDAR ROY
R/O ND ENCLAVES OPP. RASHMI BHAWNA, JATIA, KAHILIPARA, ASSAM,
PIN-781019.

2: SMTI. BINA ROY
W/O LATE SHYAM SUNDAR ROY
R/O ND. ENCLAVES OPP. RASHMI BHAWAN
JATIA
KAHILIPARA
ASSAM
PIN-781019

VERSUS

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

2: SIMI SAHA
D/O SUBHASH SAHA
R/O ND. ENCLAVES OPP. RASHMI BHAWAN
JATIA

KAHILIPARA-78101

Advocate for the Petitioner : MR. FIRUZ KHAN, MR. ABHIJIT MENA, MR U CHAUDHURY, P
DAS, P. NATH, MR. T K DAS, RHITUSHREE TALUKDAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

10.12.2025

Heard Mr. Firuz Khan, learned counsel for the petitioners. Also heard Mr. K. K. Parasar, learned Addl. P.P., Assam appearing for the State.

This is an application under Section 528 of the BNSS, 2023 for quashing the F.I.R. dated 22.11.2022 which culminated in Dispur P.S. Case No.2483/2022 and also for quashing the Charge-Sheet filed therein and also to quash the proceedings before the learned Judicial Magistrate 1st Class, Kamrup (M) in PRC Case No.120/2025.

The learned counsel for the petitioner has submitted that the petitioner No.1 and the OP No.2 have reached an amicable settlement regarding the matrimonial disputes existing between them. He has further submitted that prior to reaching of such settlement the aforesaid F.I.R has been lodged. He, therefore, prays that unless the aforesaid F.I.R. and the proceedings before the learned Chief Judicial Magistrate is interfered with, the petitioner Nos.1 and 2 may be put to disadvantage when all matrimonial disputes have been settled between the petitioner No.1 and the OP No.2.

Issue notice.

Extra copies of the petition be furnished to Mr. Parasar, learned Addl. P.P., Assam appearing on behalf of the State/respondent No.1 within a period of one week from today.

Petitioners to take steps for service of notice upon the OP No.2 through registered speed post within a period of 7 working days from today.

It has been submitted by the learned counsel for the petitioners thatailable warrants of arrest have been issued against both the petitioners in PRC Case No.120/2025. The learned counsel for the petitioners has, therefore, prayed that the proceedings in the PRC Case No.120/2025 may be kept in abeyance during the pendency of this Criminal Petition.

In view of the statements made that the matrimonial disputes between the petitioner No.1 and OP No.2 have been settled by mutual agreement, the proceedings in PRC Case No.120/2025 shall remain in abeyance till the next date of listing. Theailable warrants of arrest issued against the petitioner Nos.1 and 2 shall also remain in abeyance.

List this matter on 09.02.2026 along with service report on OP No.2.

JUDGE

Comparing Assistant