

GAHC010262882025



2026:GAU-AS:2782

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, MS R SAHA(R-2), MR. B J MUKHERJEE (R-2)

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Heard Mr. A. Mena, learned counsel for the petitioners. Also heard Ms. S. Pal, learned counsel appearing on behalf of Mr. B.J. Mukhurjee, learned counsel for the respondent No. 2 and Mr. B. Sharma, learned Addl. Public Prosecutor appearing for the State.

2. By this application filed under Section 528 of the BNSS, 2023, the petitioners have prayed for quashing of the FIR dated 22.11.2022 being Dispur P.S. Case No. 2483/2022. The petitioners have also challenged the charge sheet submitted on 25.04.2025 in connection with the aforesaid case as well as the cognizance order dated 25.04.2025 passed by the Hon'ble Court of Judicial Magistrate 1st Class, Kamrup(M), in PRC Case No. 120/2025.

3. Mr. A. Mena, learned counsel for the petitioners submits that the parties have entered into a settlement and a mutual deed of agreement was entered into between petitioner No. 1 and respondent No. 2 on 20.08.2025 wherein it was stated that the petitioner No. 1 and respondent No. 2 were married on 17.05.2020 and that they were living separately since 14.08.2022 and further that owing to some differences, both the parties had decided to end the marriage and amicably settled their dispute by getting a decree of divorce on mutual consent. The parties have also agreed to settle the disputes amicably which are filed against each other before different Courts of law, such as,

petitioner No. 1 had filed a case against the respondent No. 2 in the Family Court and that the respondent No. 2 had also filed three cases before different Courts of law against the petitioner No. 1.

4. It is further agreed upon that if the petitioner No. 1 files a petition for quashing of the PRC Case No. 120/2025 pending before the Hon'ble Court of Civil Judge (Jr. Dv.) No. 4 cum JMFC or the charge sheet or the FIR, the respondent No. 2 would not raise any objection and would extend full support to the same. The both parties have also filed a joint petition under Section 13B of the Hindu Marriage Act, 1955 for obtaining a decree of divorce and it was further agreed that petitioner No. 1 would pay the respondent No. 2 a sum of Rs. 15,00,000/- as one-time full and final settlement which was accordingly paid. It was also agreed upon that the petitioner No. 1 would hand over all the stridhan to respondent No. 2 which was accordingly handed over.

5. In view of the agreement reached between the parties, the petitioner has also annexed the money receipt by which the respondent No. 2 had received Rs. 5,00,000/- as the first installment against the payment of Rs. 15,00,000/- and that the entire payment has been made later. In view of the said settlement, the learned counsel for the petitioner as well as respondent No. 2 had stated that the instant matter be closed for the ends of justice.

6. On the submissions made by the counsels more so on the perusal of the

agreement reached by the parties as well as the money received by the respondent No. 2 to the tune of Rs. 15,00,000/- as a full and final settlement, this Court finds it fit to quash the PRC Case No. 120/2025 pending before the Hon'ble Court of Judicial Magistrate 1st Class, Kamrup (M) along with the FIR dated 22.11.2022, the charge sheet as well as the cognizance orders passed in the said PRC case.

7. Petition is disposed of.

JUDGE

Comparing Assistant