

GAHC010271802022



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

Case No. : Crl.Pet./3/2023

RUHUL ISLAM
S/O NURUL HOQUE
VILL- DAKHIN BORDOLOI PATHER
P.S. LANKA P.O. TINIALI BAZAR
DIST. HOJAI, ASSAM
PIN-782446

VERSUS

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

2:AINUL HOQUE
S/O ABDUL MALIK
VILL- TINIALI GAON
P.S. LANKA
DIST. HOJAI
ASSAM
P.O. TINIALI BAZAR
PIN-78244

Advocate for the Petitioner : MR. R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE

HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

30.01.2023

Heard Mr. R.A. Choudhury, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Addl.P.P. appearing for the State respondent.

The petitioner, namely, Ruhul Islam has filed an application under Section 482 Cr.P.C. with prayer for quashing of the FIR dated 03.12.2021 registered as Lanka PS Case No. 780/2021 under Sections 386/307 IPC corresponding to GR Case No. 3429/2021.

It is submitted on behalf of the petitioner that the informant has not even mentioned the date and time of the incident in the FIR.

On the contrary, the informant has lodged a false case against the petitioner as on 03.11.2021 the petitioner has lodged a case against the informant.

The conduct of the informant has been projected by the petitioner by submitting Annexure 3, which is order of the learned SDJM(M), Hojai Sankardev Nagar.

The order dated 21.07.2022 in Lanka PS Case No. 780/2021 reflects that the informant's interim bail prayer was cancelled as he violated bail conditions.

The informant has lodged a slew of cases against the petitioner. The petitioner has prayed for interim protection and for quashing of the FIR. The petitioner has also relied on the decision of this Court in ***Bhaba Ranjan Sarkar Vs. State of Tripura*** reported in 2012 (2) GLT 128.

Call for the case diary.

Issue notice to the respondent No. 2, returnable within 4(four) weeks.

Petitioner shall take steps for service of notice upon the respondent No. 2 by registered post with A/D.

The prayer for interim protection will be considered after notice is served upon the respondent No. 2.

List the matter accordingly.

JUDGE

Comparing Assistant