

GAHC010279502025



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

Case No. : Crl.Pet./1633/2025

SRI RAJESH PAUL AND 3 ORS
S/O- LATE GOPINATH PAUL, PERMANENT RESIDENT OF GHOSH-HAT
CHAMPAPUKUR-PAR, KATWA(M), DIST.- BARDHAMAN, WEST BENGAL,
PIN- 713130 AND C/O- DURGA JEWELERS, KHAGESWAR ROAD, NEAR
TINSUKIA, P.S. TINSUKIA, DIST.- TINSUKIA, ASSAM

2: SMTI. REKHA PAUL
W/O- LATE GOPINATH PAUL
PERMANENT RESIDENT OF GHOSH-HAT CHAMPAPUKUR-PAR
KATWA(M)
DIST.- BARDHAMAN
WEST BENGAL
PIN- 713130 AND C/O- DURGA JEWELERS
KHAGESWAR ROAD
NEAR TINSUKIA
P.S. TINSUKIA
DIST.- TINSUKIA
ASSAM

3: SRI SIBU PAUL
S/O- LATE PARESH CH. PAUL
R/O- KANAKLATA PATH
RAJA ALI ROAD
BACKSIDE OF TINSUKIA RAILWAY STATION
P.O. AND P.S. TINSUKIA
DISTRICT- TINSUKIA

ASSAM
PIN- 786125

4: SRI MANI PAUL
S/O- LATE PARESH CH. PAUL
R/O- KANAKLATA PATH
RAJA ALI ROAD

BACKSIDE OF TINSUKIA RAILWAY STATION
P.O. AND P.S. TINSUKIA
DISTRICT- TINSUKIA

ASSAM
PIN- 78612

VERSUS

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

2:SMTI PURNIMA SHOME (PAUL)
D/O- SRI BIDHU RANJAN SHOME
W/O- SRI RAJESH PAUL
R/O- KHOWANG SONOWAL BENGALI GAON
P.O. AND P.S.- KHOWANG
DISTRICT- DIBRUGARH
ASSAM
PIN- 78567

Advocate for the Petitioner : MR B P BORAH, MR H MAZUMDER

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 05.01.2026

Heard Mr. H. Mazumder, learned counsel for the petitioners and Mr. R.R. Kaushik, learned Additional Public Prosecutor for the respondent no. 1, State of Assam.

2. This criminal petition under Section 528, Bharatiya Nagarik Suraksha Sanhita [BNSS], 2023 is preferred seeking quashing of criminal proceeding of C.R. Case no. 09^C/2025, presently pending before the Court of Judicial Magistrate, First Class, Dibrugarh.

3. The marriage between the respondent no. 2 and the petitioner no. 1 was solemnized on 27.01.2023. The respondent no. 2 as the aggrieved person instituted a proceeding under the Protection of Women from Domestic Violence Act, 2005 ['D.V. Act', for short] before the Court of Chief Judicial Magistrate, Dibrugarh by filing an application filed under Section 12, D.V. Act, which has been registered as D.V. Case no. 44/2024. In D.V. Case no. 44/2024, the respondent no. 2-aggrieved person has sought reliefs under Section 18, 19, 20 & 22 of the D.V. Act.

4. The petitioner no. 1 and the petitioner no. 2 are the husband and the mother-in-law of the respondent no. 2 whereas the petitioner no. 3 and the petitioner no. 4 are the maternal uncles-in-law of the respondent no. 2.

5. In the case under D.V. Act, the petitioner no. 3 and the petitioner no. 4 have been impleaded as respondents and aggrieved by their such impleadment, the petitioner no. 3 and the petitioner no. 4 as petitioners have already preferred a criminal petition, Crl.Pet. no. 1365/2024 wherein this Court on 14.11.2024 issued notice to the respondent no. 2-aggrieved person while calling for the scanned copy of the TCR.

6. The complaint case, C.R. Case no. 09^C/2025 is filed bringing allegations for the offences under Section 85, Bharatiya Nyaya Sanhita [BNS] and Section 316, BNS.

7. Mr. Mazumder, learned counsel appearing for the petitioners has submitted that the respondent no. 2-aggrieved person has the option of filing an appropriate application for the custody of Stridhan under Section 19[8] of the D.V. Act and as such, the complaint case, C.R. Case no. 09^C/2025 under Section 316, BNS seeking custody of Stridhan is abuse of the process of Court. He has

further submitted that there are no allegations in the complaint to attract the ingredients of the offence under Section 85, BNS.

8. Issue notice, returnable on 04.02.2026.

9. As Mr. Kaushik, learned Additional Public Prosecutor has appeared and accepted notice on behalf of the respondent no. 1, issuance of formal notice to the said respondent is dispensed with. However, extra copy of the criminal petition along with annexures are to be furnished to Mr. Kaushik within 3 [three] working days from today.

10. The learned counsel for the petitioners shall take steps for service of notice upon the respondent no. 2 by speed post within 3 [three] working days from today.

11. The scanned copy of the complaint case, C.R. Case no. 09^C/2025 be called for.

12. List the case on 04.02.2026 along with criminal petition, Crl.Pet. no. 1365/2024.

13. The prayer for interim relief is kept open for consideration on the returnable date.

JUDGE

Comparing Assistant