

GAHC010279732025



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

Case No. : Crl.Pet./1617/2025

ABDUL NUR LASKAR AND 2 ORS.
S/O NUR ISLAM LASKAR

2: FATU BEGUM LASKAR
W/O NUR ISLAM LASKAR

3: AMIR HUSSAIN LASKAR
S/O SARIF UDDIN LASKAR
ALL ARE R/O VILL- NIZ- RUPAIBALI
P.O. HAZARIGRAM BAZAR
P.S. LAKHIPUR
DIST. CACHAR
ASSA

VERSUS

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

2: CHOIBUN NESSA CHOUDHURY
D/O LATE ALAI MIYA CHOUDHURY
R/O VILL- SINGERBOND PART-III
P.O.
P.S. LAKHIPUR
DIST. CACHAR
ASSA

Advocate for the Petitioner : MR. J LASKAR,

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 22.07.2026

1. Heard learned Counsel Mr. J. Laskar for the petitioners who have filed this application under Section 528 of the BNSS, 2023 with prayer for quashing the D.V. Case No.9/ 2025 pending in the court of the learned SDJM (M) Lakhipur, Cachar.
2. Learned Addl.Public Prosecutor Mr.M.P. Goswami is present for the State respondent .
3. It is submitted that the petitioner No.3 Amir Hussain Laskar is not a family member. The petitioners were never in a domestic relationship and the cognizance order was erroneously passed by the learned trial court. It is submitted that the petitioner No.3 Amir Hussain Laskar was a Gaon panchayat president.
4. The allegation against the petitioner No.3 is that he is involved in committing fraud along with petitioner No.1 by preparing a fake Talaknama. It is submitted that no case of domestic violence will proceed against a person who is not a family member and not residing in the same household.
5. It appears that proceeding against the petitioner No.3 Amir Hussain Laskar may be stayed.
6. It is also submitted that on the alleged fraudulent act, an FIR has been lodged by the wife/ respondent No.2, wife of the petitioner No.1 against the

petitioner No.3 and a complaint case has also been brought up under the same grounds against the petitioner. The FIR was registered as Lakhipur PS case No.72/ 2025 and the complaint case was registered as CR Case No.30/2025.

7. I have considered the submissions of both sides.
8. The proceeding against the petitioner No.3 Amir Hussain Laskar is stayed till the next date of listing. Service report on respondent No.2 is awaited.
9. Scanned copy of TCR is received.
10. List the matter after 03(three) weeks.

JUDGE

Comparing Assistant