

GAHC040002402026



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

Case No. : Crl.Petn./34/2026

Raja Jini
Son of Late P K Kunjapla, serving as (ALO), Department of General Administration,
Civil Secretariat, Itanagar.

VERSUS

The State of AP and 2 Ors
represented through the PP of AP 2:The Superintendent of Police
Age: 0
Occupation :
Itanagar
Papum Pare District
Arunachal Pradesh.

3:The Officer in Charge
Age: 0
Occupation :
Itanagar Police Station
Papum Pare District
Arunachal Pradesh

Advocate for the Petitioner : Idak Bam, Mipe Etc

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 04-06-2026

Heard Mr. I. Bam, learned counsel for the petitioner. Also heard Mr. T. Ete, learned Additional Public Prosecutor for the State.

2. This is an application filed under Section 528 of the BNSS, 2023 for quashment of the notice being GDE No.18/2026 dated 11.02.2026, whereby the notice under Section 35(3) BNS, 2023 was issued against the present petitioner for his appearance before the Itanagar Police Station.

3. It is the case of the petitioner that without the registration of the case, the police has no authority or power to issue notice under Section 35(3) of the BNS, 2023, asking the petitioner to appear before the concerned police station. Raising that issue, it is the prayer of the petitioner for quashment of the notice issued to him under Section 35(3) of the BNS, 2023, on 18.02.2026.

4. During the pendency of this case, the learned Additional Public Prosecutor was asked to produce the status report of the case, wherein earlier it was stated that the Officer-in-Charge of the concerned police station had mistakenly issued the notice under Section 35(3) of BNS, 2023, which ought to have been considered as notice under Section 179 of BNS, 2023.

5. Mr. T. Ete, learned Additional Public Prosecutor by placing some decisions of the Apex Court, submitted that the police has not authority or power to issue notice under Section 35(3) of the BNS, 2023 or even under Section 179 of the BNSS, without registration of case. And here, in the instant case, the notice was issued on the basis of the GD Entry which was

registered under Itanagar police station.

6. Today, the present status report is produced before this Court by the learned Additional Public Prosecutor, wherein, it is stated by the Officer-in-Charge of Itanagar police station that on the basis of the written complaint dated 11.02.2026, from one Kipa Mangal and seven others against the present petitioner, alleging inter alia that the present petitioner had impersonated himself as Arunachal Pradesh Scheduled Tribe person illegally using surname as Jini, on the basis of which, GD entry was made and the preliminary enquiry was done by the Investigating Officer. And as per the preliminary investigation, it was found that there was no concrete material to show that the present petitioner had obtain forged, used, or produced any Scheduled Tribe Certificate or any forged document before any authority or derived any wrongful gain or caused wrongful loss by using any such forged document, so as to disclose commission of a cognizable offence on the basis of the complaint dated 11.02.2026. Accordingly, no FIR has been registered against the present petitioner and the earlier notice issued to the present petitioner is also retracted from the concerned police station.

7. Considering the entire circumstances of the case and also considering the present status report as submitted by the Officer-in-Charge of the Itanagar police station, the notice issued under Section 35(3) of the BNS dated 18.02.2026, is hereby set aside and quashed.

8. With the above observation, the instant criminal petitioner stands disposed of.

9. Status report received from the Itanagar police station be kept as part of the record.

JUDGE

Comparing Assistant