

GAHC040006492026



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

Case No. : Crl.Petn./109/2026

Tatung Takar Ame
Son of Tatung Tarum, resident of Jullang Village, PO and PS Itanagar, Papum Pare
District, Arunachal Pradesh.

VERSUS

The State of AP and Anr
represented by the PP of AP 2:Smti Bengia Yakar
Age: 0
Occupation :
Wife of Dr Neelam Nega
resident of Jullang Village
PO and PS Itanagar
Papum Pare District
Arunachal Pradesh

Advocate for the Petitioner : Uttam Bori, Dakjum Riba,Bompi Geyi,Wanglak Wangsa,Moni Bori

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 08.05.2026

Heard Mr. U. Bori, learned counsel for the petitioner.

The instant criminal petition has been filed under Section 528 of

BNSS, 2023 praying for quashing of FIR dated 12.03.2026, registered as Itanagar P.S. Case No.56/2026 under section 324(5)/329(3) BNS, 2023.

The learned counsel appearing for the petitioner submits that FIR arises out of dispute between the petitioner and the respondent No.2 relating to construction of a retaining wall of adjoining land at Jollang village. He submits that the dispute is purely of civil nature without having any criminal element in that. He further submits that the construction of wall was bonafide and there was no mischief or trespass committed while constructing the boundary wall. In view of aforesaid, he submits that till the full consideration of the matter, the FIR dated 12.03.2026 may be stayed.

Taking into consideration the materials brought before this Court and also after hearing the submissions of learned counsel for the parties, in the interim, it is provided that the further proceedings of the impugned FIR dated 12.03.2026 registered as Itanagar P.S. Case No.56/2026 under section 324(5)/329(3) BNS, 2023, shall remain stayed.

Let notice be issued to the respondents, returnable by 4(four).

Notice upon the respondent No.1 is dispensed with as Mr. T. Ete, learned Additional Public Prosecutor for the State enters appearance for the State.

Petitioner to take steps for service of notice upon the respondent No.2 through Speed Post with A/D as well as by usual course within

3(three) working days from today.

Call for the case diary.

Let the matter be listed after 4(four) weeks.

JUDGE

Comparing Assistant