

GAHC040013602025



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

Case No. : Crl.Petn./181/2025

Chekka Srinu
Son of Shri Babu Chekka, resident of GMC Colony Fatasil (Ambari), PO and PS
Fatasil Ambari, Kamrup Metro District, Assam 788109

VERSUS

The State of AP and Anr
represented by the PP of AP 2:Mrs Sonu Nabam Tok
Age: 0
Occupation :
Wife of RC Tok and Daughter Nabam Mab
near Toya Hotel
E Sector
Naharlagun
Papum Pare District
Arunachal Pradesh

Advocate for the Petitioner : Marge Doji,

Advocate for the Respondent : P P of AP,

-BEFORE-

HON'BLE MR. JUSTICE ANJAN MONI KALITA

19.08.2025

This is an application under Section 528 read with Section 529 of BNSS, 2023 for quashing of the proceeding relating to the FIR which has been lodged one Mrs. Sonu Nibam Tok, a resident of 'E' Sector,

Naharlagun whereby Naharlagun P.S. Case No. 47/2025 corresponding to G.R. Case No. 292/2025 was registered under Section 305 (a) of BNS.

2. The brief facts of the case is that one Mrs. Sonu Nibam Tok has lodged the aforesaid FIR on 07.04.2025 at Naharlagun Police Station alleging that the petitioner, Shri Chekka Srinu who was a business partner of her during the year, 2021-22 came to stay in her house on 02.07.2024. The informant allowed the petitioner to stay in her house because of old business relation. It is also alleged in the FIR that the accused petitioner was aware of functioning of the Mobile phone of the informant and at about 09.30 hours on 02.07.2024, the accused petitioner went out saying that he received a phone call from Guwahati and his presence at Guwahati was urgently needed and accordingly, the accused petitioner left for Guwahati. Thereafter, after an hour, the informant realised that her Mobile phone was missing, she immediately visited the office of the Airtel, Naharlagun and got a duplicate sim card. But to her utter surprise, on 03.07.2024, she received a Message in her Mobile Phone that Rs.4,00,000/- has been debited/ withdrawn from her account. She immediately went to the Bank of Baroda at Naharlagun and upon reaching the bank, she found that the said amount was transferred to the account of Shri Chekka Srinu (accused petitioner) (Axis Bank Branch, Amingaon). It was also alleged that the accused petitioner made out a schedule with the bank so that an amount of Rs.4,00,000/- would be automatically transferred to his account. The Branch Manager of the Bank of Baroda immediately cancelled the schedule of such transfer. It was alleged that, thereafter, she discussed the matter with the accused petitioner and both of them arrived to an agreement that the money which was withdrawn

shall be returned to the informant within a short time. However, in spite of lapse of 10 months, the accused petitioner has not returned the aforesaid amount of Rs.4,00,000/- and in view of that she filed the FIR.

3. Mr. Gias Uddin, learned counsel appearing for the petitioner submits that the aforesaid amount of Rs.4,00,000/- has already been received by the informant and the informant, in fact, agreed that once the money is paid to her, the case will be withdrawn by her. But nothing in that regard has been done by her.

4. Ms. T. Jini, learned Addl. PP appears on behalf of the State and submits that the petitioner has not made out a case for interference by this Court. She submits that the accused petitioner has admitted the commission of the offence.

5. I have heard the learned counsel for the parties.

6. Issue notice returnable within 4 (four) weeks.

7. Since Ms. T. Jini, learned Addl. PP has entered appearance and accepted notice on behalf of State respondent No. 1, no formal notice is required to be issued and the same is hereby dispensed with. However, requisite extra copies of the petition along with the annexures appended thereto be furnished to her during the course of the day.

8. The learned counsel for the petitioner is directed to take steps for service of notice upon respondent No. 2 by registered post with A/D as well as by usual process. Steps be taken within 3 (three) working days from today.

9. Registry is directed to call for the scanned copies of the Trial Court Record from the Court of learned CJM, Yupia.

10. The interim order, as prayed for, shall be considered on receipt of the Trial Court Record.

List after 4 (four) weeks.

JUDGE

Comparing Assistant