GAHC010108012026

2026:GAU-AS:15648

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

Case No. : Crl.Pet./761/2026

IMRAN HUSSAIN CHOWDHURY
S/O LATE ABDUS SATTER CHOWDHURY, R/O H. NO. 25, NADAN NAGAR, SARU MOTORIA,BACK SIDE OF DOWN TOWN HOSPITAL,P.S. P/O DISPUR, GUWAHATI, ASSAM 781006

2: JESREENA CHOWDHURY
W/O AASIF ALTAF LASKARR/O H. NO. 25
NADAN NAGAR
SARU MOTORIA
BACK SIDE OF DOWN TOWN HOSPITAL
P.S. P/O DISPUR
GUWAHATI
ASSAM 781006.

3: SAHERA BANU CHOWDHURY
W/O IMRAN HUSSAIN CHOWDHURYR/O H. NO. 25
NADAN NAGAR
SARU MOTORIA
BACK SIDE OF DOWN TOWN HOSPITAL
P.S. P/O DISPUR
GUWAHATI
ASSAM 781006

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

2:AASIF ALTAF LASKAR
S/O ALTAF HUSSAIN LASKARR/O H. NO. 343
TULAGRAM PART-II
WARD NO. 4
SONAI TOWN
P.S. P/O SONAI MUKH

DISTRICT CACHAR
ASSAM 788119

Advocate for the Petitioner : MR. FIRUZ KHAN, DR AZIZ KHAN,RHITUSHREE TALUKDAR,MR. ABHIJIT MENA,MR U CHAUDHURY,PINKU DAS

Advocate for the Respondent : PP, ASSAM, MS. J GHOSH(R2),MR. JUNM LASKAR(R2)

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

Date : 14.10. 2026

Heard Mr. A. Mena, learned counsel appearing for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor appearing on behalf of the State and Mr. J. Laskar, learned counsel appearing on behalf of the opposite party No. 2. learned counsel

2. The present criminal petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of the First Information Report dated 27.01.2025 registered as Dispur P.S. Case No. 55/2025 under Sections 126(2) /352/ 115(2) /117(2) /296/ 351(2) /308 (3)/ 3(5) of the Bharatiya Nyaya Sanhita, 2023, and all consequential proceedings arising therefrom.

3. The brief facts necessary for disposal of this petition are that the opposite party No. 2 lodged an FIR on 27.01.2025 alleging that on 26.01.2025 at about 6

P.M., near Karim Restaurant, VIP Road, Six Mile, Guwahati, the petitioners along with two unidentified persons obstructed him, abused him, physically assaulted him, and threatened him with dire consequences including demands for money and threats of false implication in serious cases. The case was registered as Dispur P.S. Case No. 55/2025 under the aforementioned sections of the Bharatiya Nyaya Sanhita, 2023.

4. It is the case of the petitioners that petitioner No. 2 and the opposite party No. 2 were married on 16.03.2023 according to Mohammadan rites and customs. The marriage was also registered under the Muslim Marriage Registration Act, 1935. Thereafter matrimonial disputes arose between them. Petitioner No. 2 instituted proceedings under the Protection of Women from Domestic Violence Act, 2005 (D.V. Case No. 02/2024) and a maintenance proceeding under Section 125 Cr.P.C. (F.C. (Crl.) Case No. 11/2024). The opposite party No. 2 and his father also preferred certain transfer petitions and a complaint case. Subsequently, on 27.03.2026, the parties, of their own free will and without any coercion, entered into a Settlement Deed whereby the opposite party No. 2 agreed to pay a lump-sum amount of Rs. 14,00,000/- (Rupees Fourteen Lakhs only) to petitioner No. 2 towards full and final settlement of all claims including Mehr, maintenance for the Iddat period, permanent alimony and compensation. Both sides agreed to withdraw all cases instituted against each other and to cooperate for obtaining a decree of divorce

by mutual consent.

5. In compliance with the Settlement Deed, the opposite party No. 2 and his father have already withdrawn the transfer petitions, the criminal petition preferred by the father of the opposite party No. 2, and the complaint case. Petitioner No. 2 has already received the agreed sum of Rs. 14,00,000/- and has undertaken to withdraw the D.V. Case and the maintenance case on the next dates fixed. The parties have thus amicably resolved all their disputes arising out of the matrimonial relationship.

6. Learned counsel for the petitioners submits that continuance of the criminal proceedings after the parties have amicably settled all their disputes by a formal Settlement Deed and after the opposite party No. 2 has already withdrawn the cases instituted on his side would amount to an abuse of the process of the Court. He relies upon the principles laid down by the Hon'ble Supreme Court in ***State of Haryana v. Bhajan Lal,*** reported in ***AIR 1992 SC 604***, particularly the illustrative categories set out in paragraph 102 of the said judgment, and submits that the present case falls within the categories where the inherent power of this Court ought to be exercised to secure the ends of justice.

7. Learned counsel appearing for the opposite party No. 2 has submitted that the parties have settled all their disputes and that the opposite party No. 2 has no objection to the quashing of the impugned FIR and the consequential

proceedings.

8. The learned Additional Public Prosecutor has fairly submitted that in view of the amicable settlement between the parties and the withdrawal of the related proceedings by the opposite party No. 2, the probability of the prosecution succeeding is remote and the trial would be a non-fruitful exercise.

9. The learned counsel for the petitioners has drawn the attention of this Court to the judgment of the Hon'ble Supreme Court in State of Haryana v. Bhajan Lal, reported in AIR 1992 SC 604, wherein at paragraph 102 the Court has laid down as follows:

> *"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.*
>
> *(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie*

constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where

the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to a private and personal grudge."

10. Having heard the learned counsel for the parties and the learned Additional Public Prosecutor, this Court is of the opinion that the ratio laid down in Bhajan Lals case is applicable to the present case. The opposite party No. 2 has stated that all disputes are settled. There is little or no possibility of conviction of the accused petitioners in the pending criminal proceeding. Allowing the criminal proceeding to continue would only result in the prolongation of the judicial process and would amount to an abuse of the process of law.

11. In the opinion of this Court, this is a fit case for exercising powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The criminal petition is accordingly allowed. The First Information Report dated 27.01.2025 registered as Dispur P.S. Case No. 55/2025 under Sections 126(2) /352/ 115(2) /117(2) /296/ 351(2) /308(3) /3(5) of the Bharatiya Nyaya Sanhita, 2023, and all consequential proceedings arising therefrom are hereby set aside and quashed.

JUDGE

Comparing Assistant