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2026:GAU-AS:15758

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

Case No. : Crl.Pet./1469/2026

SUKANTA SEN GUPTA AND ANR
SON OF PULAK SENGUPTA, RESIDENT OF MADHYA SRIPURIA NETAJI ROAD, P.O- SRIPURIA, P.S.- TINSUKIA, DIST- TINSUKIA, ASSAM, PIN-786145

2: SUJIT DEB
SON OF SAJAL DEB
RESIDENT OF DURGABARI SISHU VIDYALAYA
NEAR WOMENS COLLEGE
TINSUKIA
P.O.- TINSUKIA
P.S.- TINSUKIA
DIST- TINSUKIA
ASSAM
PIN-78612

VERSUS

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

2:BAPAN SARKAR
SON OF CHANDAN SARKAR
RESIDENT OF 700 NO. GATE
NEAR COMMERCE COLLEGE
SRIPURIA
DHEKJAJURI BENGALI GAON
P.O.- TINSUKIA
P.S.- TINSUKIA
DIST- TINSUKIA
ASSAM
PIN-78612

Advocate for the Petitioner : MR. SAILENDRA DEKA, MS. F L MIZO,MR JITENDRA DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

15.10.2026

1. Heard Mr. S. Deka, learned counsel appearing for the petitioners. Also heard Ms. S.H. Borah, learned APP appearing for the State of Assam.

2. By this application filed under Section 528 of the BNSS, 2023 the petitioners have prayed for quashing of the FIR registered as Tinsukia Police Station Case No. 81/2026 under Sections 191(2), 126(2), 115(2), 117(2) and 351(2) of the BNS, 2023. The petitioners have also challenged the charge sheet dated 19.04.2026 submitted in connection with the aforesaid FIR as well as the proceedings initiated in PRC Case No. 226/2026 pending before the Court of the learned Chief Judicial Magistrate, Tinsukia. The petitioners have further challenged the order dated 30.06.2026 passed by the learned Chief Judicial Magistrate, Tinsukia in the aforesaid PRC case whereby cognizance of the offences was taken against the petitioners.

3. The case of the petitioners is that an FIR was lodged by one Bapan Sarkar on 29.03.2026 alleging *inter alia* that on 04.03.2026 at around 3:30 p.m. while he was crossing a mandir some of his neighbours appeared on the road and stopped his vehicle. It was further alleged that a group of boys and girls who were allegedly drunk and intoxicated including petitioner No. 1 along with some unknown associates blocked his way threatened him and subsequently assaulted him. The informant further stated that owing to the medical treatment required for his injuries, he could not lodge the FIR immediately. He also alleged

that he had sustained grievous injuries including a fracture.

4. Upon receipt of the FIR, the police registered the case as Tinsukia Police Station Case No. 81/2026 and conducted a preliminary enquiry. Thereafter, upon completion of the investigation, the police submitted a charge sheet bearing No. 62/2026 on 29.04.2026. In the said charge sheet petitioner No. 1 and petitioner No. 2 were arrayed as accused persons. It was stated therein that upon analysis of the statements of the witnesses, the medical report and other materials available on record a prima facie case had been made out against the petitioners and accordingly the charge sheet was submitted. Thereafter, the charge sheet was placed before the learned Chief Judicial Magistrate, Tinsukia who by order dated 30.06.2026 took cognizance of the offences punishable under Sections 115(2), 117(2), 351(2) and 3(5) of the BNS, 2023 against the petitioners. In the said order, the learned Magistrate observed that upon perusal of the case record and the case diary sufficient materials were available to make out a prima facie case against the petitioners.

5. The learned counsel appearing for the petitioners submits that the FIR in which the petitioners have been arrayed as accused was lodged after a delay of 25 days. He further submits that on the date of the alleged occurrence, i.e., 04.03.2026 the petitioners had lodged an FIR against the informant and other accused persons in which a charge sheet has also been submitted by the Investigating Officer upon completion of the investigation. The learned counsel further submits that apart from the aforesaid two FIRs, another FIR was lodged on 04.03.2026 itself by the father of one of the accused persons against the petitioners. The said FIR resulted in a report dated 19.03.2026 wherein the police recommended that the petitioners along with two others be directed to execute a bond for maintaining peace for the remaining period of one year

under Section 126 of the BNSS, 2023.

6. In view of the aforesaid facts, the learned counsel submits that the allegations made by the informant against the petitioners are concocted and that the informant had not sustained any injuries in the alleged incident. In support of his contention, he has referred to a medical certificate indicating that the informant was examined on 13.04.2026 much after the date of the alleged occurrence. The certificate further shows that the patient had not disclosed the mode of sustaining the injury. Accordingly, the learned counsel contends that the alleged injuries cannot be attributed to the incident in question.

7. On the other hand, Ms. S.H. Borah, learned APP submits that a bare perusal of the FIR discloses the commission of cognizable offences and as such the FIR is not amenable for quashing, in view of the principles laid down by the Hon'ble Supreme Court. She further submits that the charge sheet was submitted against the petitioners upon consideration of the statements of the witnesses, the medical report and other materials collected during the course of the investigation.

8. I have considered the submissions made by the learned counsel for the parties and have also perused the materials available on record.

9. It is a settled principle of law that where an FIR discloses the commission of a cognizable offence, the same ordinarily cannot be quashed by the High Court in exercise of its inherent jurisdiction. The Hon'ble Supreme Court has laid down the principles governing the exercise of such jurisdiction in several decisions including the landmark judgment in *State of Haryana v. Bhajan Lal*. In the said judgment, the Hon'ble Supreme Court held that where the allegations made in the FIR or the complaint if taken at their face value and accepted in

their entirety do not prima facie constitute any offence against the accused the FIR may be quashed. It was further held that where the uncontroverted allegations made in the FIR or the complaint, together with the evidence collected in support thereof do not disclose the commission of any offence the High Court may exercise its inherent jurisdiction to quash the proceedings. However, where the allegations in the FIR, taken at their face value disclose the commission of a cognizable offence the High Court would ordinarily refrain from quashing the same in exercise of its inherent jurisdiction.

10. In the instant case, it is seen that although the FIR was lodged after a delay of approximately 25 days from the date of the alleged occurrence, but the informant has furnished an explanation for the delay stating that he was undergoing medical treatment. The FIR further alleges that the petitioners along with others had obstructed the informant's passage and assaulted him with an iron rod as a result of which he sustained grievous injuries. It is also alleged that upon medical examination the doctor found a fracture in the informant's right hand rendering him unable to use the said hand for any physical activity.

11. It was further alleged that the petitioners along with the other accused persons had threatened to kill the informant if he reported the incident to the police or initiated any legal action. A plain reading of the aforesaid allegations prima facie discloses the commission of cognizable offences against the petitioners and the other accused persons.

12. During the course of the investigation, although the name of petitioner No. 2 was not specifically mentioned in the FIR, the police upon investigation found his complicity in the alleged offence and accordingly arrayed him as an accused in the charge sheet. It has been specifically stated in the charge sheet that the

statements of the witnesses were carefully examined, the medical report was considered and other materials collected during the investigation were found to establish a prima facie case against the petitioners.

13. In the order dated 30.06.2026, the learned Chief Judicial Magistrate, Tinsukia, observed that upon perusal of the case record and the case diary sufficient materials were found against the petitioners and accordingly cognizance of the offences was taken.

14. In view of the aforesaid facts and circumstances, this Court does not deem it appropriate to quash the FIR, the charge sheet or the proceedings in PRC Case No. 226/2026 or the order dated 30.06.2026 passed therein.

15. Accordingly, the petition stands dismissed.

JUDGE

Comparing Assistant