

GAHC010008592024



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

Case No. : Crl.Pet./33/2024

RAJIBUL HAQUE
S/O- TALEBAR RAHMAN,
VILLAGE - DONGRA,
P.O- DHAKUA,
P.S AND DIST- BARPETA, ASSAM, PIN-781309

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:MONIRAM RANGHANG
S/O- BARIM RONGHANG
A R/O- VILLAGE SAR EK TERON GAON

P.O- MAHAMAYA BAL GAON

P.S- DOKMOKA

DIST- KARBI ANGLONG
ASSAM
PIN-78244

Advocate for the Petitioner : MR. M U MAHMUD

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 27-05-2024

Heard Mr. M.U. Mahmud, learned counsel for the petitioner Rajibul Haque.

2. The petitioner has filed this application under Section 482 of the Code of Criminal Procedure, 1973 (CrPC for short) with a prayer for quashing and setting aside the order dated 15.05.2023 and other relevant orders and with a prayer to quash the FIR and the charge sheet against the petitioner in connection with POCSO Case No. 05/2023 arising out of Dokmoka Police Station Case No. 14/2022 registered under Sections 370/34 of the Indian Penal Code, 1860 (IPC for short) read with Section 6 of the Protection of Children from Sexual Offences Act (the POCSO Act for short), 2012.

3. The petitioner has also filed an additional affidavit with a prayer to recall the NBWA issued against the petitioner vide order dated 15.05.2023 and subsequent orders in connection with the aforementioned case.

4. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the respondent State and Ms. T. Borpujari, learned counsel for the respondent No. 2.

5. It is submitted on behalf of the petitioner that the petitioner is willing to cooperate with the trial. The petitioner is apprehending arrest as NBWA has been issued against him. The allegation that the petitioner committed an offence of sexual assault is absolutely false and if given an opportunity the petitioner will present his case to prove that the allegations against him are absolutely false. The allegation that the co-accused is guilty of abetment of the

alleged offence is also absolutely false. The petitioner has submitted that the Annexure-5 is a Deed of Compromise executed between the petitioner's father and the father of the victim, which clearly reflects that this case arose due to a misunderstanding between the parties.

6. I have considered the submission that the petitioner is willing to cooperate with the trial. I have taken a pragmatic view.

7. In view of my foregoing discussions, the NBWA issued against the petitioner vide order dated 15.05.2023 and the subsequent orders be kept in abeyance for 15 (Fifteen) days. Meanwhile, the petitioner is directed to appear before the learned Trial Court and cooperate with the trial. No coercive action to be taken till then.

8. In the above terms and observations this Criminal Petition stands disposed of.

JUDGE

Comparing Assistant