

GAHC010035532024



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

Case No. : Crl.Pet./205/2024

RAJU SAIKIA
S/O LATE KAMESWAR SAIKIA
R/O VILL- BORGHAT
SIYALEKHUWA, P.O. AND P.S. NAGAON (SADAR)
DIST. NAGAON, ASSAM, PIN-782001

VERSUS

THE STATE OF ASSAM AND ANR
TO BE REP. BY THE LEARNED PP, ASSAM

2:ANOWARA KHATUN
D/O ABDULKASEM
A RESIDENT OF VILL- BARGHAT
SIYALEKHUWA
P.O. AND P.S. NAGAON (SADAR)
DIST. NAGAON
ASSAM
PIN-78200

Advocate for the Petitioner : ALHAJJ I UDDIN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 29.04.2024

Heard Mr. A.I.Uddin, learned counsel for the petitioner and Mr. D.Das, learned Addl. P.P. for the State respondent No.1. Also heard Mr. S.Ahmed, learned counsel for the respondent No. 2.

By this criminal petition under Section 482 of the CrPC, the petitioner has prayed for quashing of the entire proceeding in Special POCSO Case No. 158/2022 (arising out of Nagaon (Sadar) P.S.Case No.2972/2019) whereby W/A has been issued vide order, dated 04.03.2023 by the learned Special Judge (POCSO Act), Nagaon.

It is submitted by the learned counsel for the petitioner that the matter has been settled between the parties by filing affidavit by the respondent No. 2. Though warrant of arrest was issued against the petitioner vide order, dated 04.03.2023 on which day, he was absent, the learned counsel submits that the same may be recalled as the petitioner is a government employee.

The learned Addl. P.P. on the other hand submits that the matter be disposed of with a direction to the petitioner to appear before the learned court below and raise the issue before the trial court at the time of framing of charge.

Mr. S.Ahmed, learned counsel for the respondent No. 2 has no objection on the aforesaid prayers.

Heard the learned counsel for the parties and perused the averments along with the documents annexed with the application.

On consideration of the submission of learned counsel for parties, the instant criminal petition is disposed of with a direction to the petitioner to appear before the learned trial

court on or before 15 days from today and the learned trial court shall do the needful in accordance with law.

The criminal petition is disposed of.

JUDGE

Comparing Assistant