

GAHC010091562023



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

Case No. : Crl.Pet./449/2023

ABHIJIT CHUTIA
S/O SUNANDA CHUTIA
KHAKUAKHANA
KATHGAON, P.S. DHAKUAKHANA
IN THE DISTRICT OF LAKHIMPUR, ASSAM

VERSUS

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

2:SHRI JANU BORA
W/O MADHURJYA BORA
R/O 2 NO. BAHBARI
TEOK
P.S. TEOK
IN THE DISTRICT OF JORHAT
ASSA

Advocate for the Petitioner : MR. A K SHARMA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 25-01-2024

Heard Mr. A.K. Sharma, learned counsel for the petitioner.

The petitioner, namely, Abhijit Chutia has filed this application u/s 482 of the Cr.PC seeking quashing of the proceeding of Special Case No. 8/2021 registered u/s 366(A) of the Indian Penal Code and Section 4 of the POCSO Act pending in the Court of the Special Judge, Jorhat, Assam.

Heard Ms. B. Bhuyan, learned Addl. PP, Assam for respondent State assisted by learned counsel Ms. P. Bora.

Notice has been accepted on behalf of the respondent No. 1.

Heard Mr. S. Sharma, learned counsel for respondent No. 2.

The learned counsel for respondent-informant has placed no objection.

I have considered the submissions at the Bar with circumspection.

It is submitted on behalf of the petitioner that the victim eloped with the petitioner on her own volition but the petition is booked under a heinous offence.

It is also submitted by the learned Addl. PP that considering the offence under which petition is booked, this case cannot be quashed as consent of a minor is no consent at all.

I have considered the submission that it has been admitted by the petitioner that the victim had eloped with him on her own volition. I have also considered the submission that the petitioner is willing to appear before the trial Court and cooperate with the trial.

Instead of quashing the proceeding I deem it proper to direct the petitioner to appear before the trial Court and face trial. Meanwhile the NBWA issued against the petitioner is kept in abeyance upto 15 days within which the petitioner may appear before the trial Court and face trial. I have also taken a pragmatic view because the petitioner is willing to face the trial.

Matter is closed.

JUDGE

Comparing Assistant