

GAHC010122462014



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

Case No. : Crl.Pet./56/2014

ANJIRA KHATUN @ MISS ANZIRA KHATUN and ANR
D/O HAJI TAHER ALI W/O SULTAN MAMUD SHEIKH R/O VILL-
SADHUBASHA NO. 2, P.O. MAKRIJHORA, P.S. GAURIPUR DIST. DHUBRI,
ASSAM.

2: HAJI TAHER ALI
S/O LT. HAJI BANIZ ALI @ LT. BANIZ MONDAL R/O VIL- SADHUBASHA
NO. 2
P.O. MAKRIJHORA
P.S. GAURIPUR DIST. DHUBRI
ASSAM

VERSUS

THE STATE OF ASSAM and ANR
THROUGH THE PUBLIC PROSECUTOR

2:JELAL UDDIN @ HOQUE
S/O LT. FORID UDDIN R/O VILL- SADHUBASHA NO. 2
P.O. MAKRIJHORA
P.S. GAURIPUR DIST. DHUBRI
ASSAM

Advocate for the Petitioner : MS. A AHMED, MR.M K HUSSAIN,MR.F K R AHMED,MS.S Y
AHMED,MR.A RAHMAN

Advocate for the Respondent : PP, ASSAM, ,MS.S KHAN,MS.L N CHOUDHURY,MD.M H
CHOUDHURY

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

29.08.2024

Heard Mr. M.K. Hussain, learned counsel appearing for the petitioners. Also heard Mr. P. Borthakur, the learned Addl. Public Prosecutor, Assam. Also heard Md. M.H. Choudhury, learned senior counsel assisted by Mr. R. Baruah, the learned counsel representing Respondent No.2.

2. This is an application under Section 482 of the CrPC praying for quashing the criminal proceedings in respect of Gauripur P.S. case No.688/2013 under Sections 120(B)/109/211/420/195/149 of the IPC.

3. In support of his case, Mr. Hussain has relied upon a judgment of the Hon'ble Supreme Court that was rendered in *Babu Venkatesh & Ors. vs. State of Karnataka & Anr.* (Criminal Appeal No.252 of 2022, arising out of SLP (Crl.) No.2183 of 2021), and a judgment of this Court that was passed in *Dr. Abu Bakar Siddique vs. State of Assam* (Case No.AB 229/2014).

4. I have considered the submissions made by the learned counsel of both sides.

5. After hearing the learned counsel of both sides, this Court is of the opinion that the investigation of the case should proceed according to law. Therefore, the earlier stay order granted by this Court stands vacated.

6. Police shall continue with the investigation of Gauripur P.S. case No.688/2013 under Sections 120(B)/109/211/420/195/149 of the IPC

7. It is also directed that during investigation period, no coercive action shall be taken against the petitioners Anjira Khatun @ Miss Anzira Khatun and Haji Taher Ali.

With the aforesaid direction, the present criminal petition is disposed of.

JUDGE

Comparing Assistant