

GAHC010130962023



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

Case No. : Crl.Pet./583/2023

KSHEMANKAR CHOUDHURY AND 2 ORS
S/O LATE KHITISH CHANDRA CHOUDHURY
R/O VILL- BETAIL, P.O. AND P.S. KARIMGANJ, DIST. KARIMGANJ, ASSAM,
PIN-788710

2: SRI BISWAJIT CHOUDHURY
S/O LATE BANKESH CHANDRA CHOUDHURY
R/O VIVEKANANDA ROAD

SILCHAR
DIST. CACHAR
ASSAM
PIN-788007

3: SRI BIMALENDU CHOUDHURY
S/O LATE BANKESH CHANDRA CHOUDHURY
R/O VIVEKANANDA ROAD

SILCHAR
DIST. CACHAR
ASSAM
PIN-78800

VERSUS

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

2:KAMALESH CHOUDHURY
S/O LATE KHITISH CHANDRA CHOUDHURY
R/O VILL- BETAIL
P.O. AND P.S. KARIMGANJ
DIST. KARIMGANJ
ASSAM

PIN-78871

Advocate for the Petitioner : MR B D DAS, MR. H R DAS, MS K PHUKAN, MR D KALITA

Advocate for the Respondent : PP, ASSAM, MR A HAI (r-2), MR E AHMED (r-2), MR. K A MAZUMDER (r-2)

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
ORDER

22-08-2024

Heard Ms. N. Barman, learned counsel appearing on behalf of Mr. D. Kalita, learned counsel for the petitioners and Ms. S. Jahan, learned Additional Public Prosecutor, Assam for the respondent No.1. Also heard Mr. K. A. Mazumdar, learned counsel for the respondent No.2.

2. The respondent No.2 lodged a complaint petition before the Court of learned Chief Judicial Magistrate, Karimganj being C.R. Case No. 591/2022 under Sections 120(B)/420/406/467/468/471/294/506/34 IPC against the petitioners alleging their involvement and submitted before the learned Magistrate to forward the said complaint to the Karimganj (Sadar) Police Station with a direction to arrest the accused persons and to seize the relevant documents and the Ejmali property and further to cancel the fraudulent Deed of Power of Attorney and Sale Deeds executed by the accused persons and to award exemplary punishment to the accused persons for the ends of justice.

3. The learned Additional CJM, Karimganj by its order dated 10.05.2022 forward the said complaint to the Karimganj Policed Station for registering the said complaint as an FIR and to investigate the matter and to submit report in final form.

4. On the basis of the order of the learned Additional CJM, Karimganj dated 10.05.2022, the said written complaint of the respondent No.2 was considered as an FIR and Karimganj P.S. Case No. 389/2022 corresponding to G.R. No. 1188/2022 under Sections 120(B)/420/406/467/468/471/294/ 506/34 IPC was registered against the petitioners.

5. The petitioners obtained pre-arrest bail in said Karimganj P.S. Case No. 389/2022 from this Court on 06.09.2022, passed in AB No. 2581/2022 and thereafter filed this criminal petition to quash and set aside said Karimganj P.S. Case No. 389/2022 filed against them.

6. While issuing notice on 19.06.2023, the Court stayed the further proceeding of C.R. Case No. 591/2022 and the FIR which was considered as Karimganj P.S. Case No. 389/2022.

7. Ms. S. Jahan, learned Additional Public Prosecutor, Assam on instruction from the Officer-in-Charge of Karimganj Police Station submitted that after investigating the matter, Karimganj Police not finding any sufficient materials against the petitioners to proceed with the investigation of said Karimganj P.S. Case No. 389/2022 submitted the Final Report in said Karimganj P.S. Case No. 389/2022 on 25.10.2023 vide F.R. No. 335.

8. In view of the above, this criminal petition being infructuous stands dismissed.

JUDGE

Comparing Assistant