

GAHC010214462022



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

Case No. : Crl.Pet./1088/2022

ARIFUL ISLAM AHMED AND 3 ORS
S/O BAHAZ UDDIN AHMED
R/O VILL- GAGALMARI
P.O. KADONG, P.S. BARPETA
DIST. BARPETA, ASSAM

2: BAHAZ UDDIN AHMED
S/O LATE BINOD ALI
R/O VILL- GAGALMARI
P.O. KADONG
P.S. BARPETA
DIST. BARPETA
ASSAM

3: ANJUM MANOWARA BEGUM
W/O BAHAZ UDDIN AHMED
R/O VILL- GAGALMARI
P.O. KADONG
P.S. BARPETA
DIST. BARPETA
ASSAM

4: HABIBAR RAHMAN
S/O LATE RASHED ALI
R/O VILL- GAGALMARI
P.O. KADONG
P.S. BARPETA
DIST. BARPETA
ASSA

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE PP, ASSAM

2:JALNUR UDDIN AHMED
S/O TAIJUDDIN AHMED
R/O VILL- BANGLIPARA
P.O. JANIA
P.S. BARPETA
DIST. BARPETA
ASSAM
PIN-781314

3:JERIFA WAHID
REP. BY FATHER JAKIR HUSSAIN
VILL- KANDAPARA
P.O. KADONG
P.S. BARPETA
DIST. BARPETA
ASSAM
PIN-78131

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

17-07-2024

Heard Mr. M Hussain, learned counsel appearing on behalf of Mr. R Ali, learned counsel for the petitioners and Mr. D Das, learned Additional Public Prosecutor, Assam for the respondent No. 1.

Petitioners herein are FIR named accused persons in Barpeta Police Station Case No. 2527/2021 registered under Sections 365/376/34 IPC read with Section 4 of the POCSO Act, read with Sections 9/10/11 of the Prohibition of Child Marriage Act.

Aggrieved with the same, those FIR named accused persons preferred this criminal petition, praying amongst others, to set aside and quash the proceeding of said Barpeta P.S. Case No. 2527/2021.

Charge-Sheet in the said Barpeta P.S. Case No. 2527/2021 was filed vide Charge-Sheet No.

390/2022 dated 30.04.2022, against all the FIR named accused persons.

Said Barpeta P.S. Case No. 2527/2021 was accordingly registered as Special POCSO Case No. 88/2022 before the learned Special Judge (POCSO), Barpeta and cognizance under Sections 365/376/34 IPC read with Section 4 of the POCSO Act, read with Sections 9/10/11 of the Prohibition of Child Marriage Act was taken against all the FIR named accused persons, i.e., the present petitioners.

Notice to the respondents in this case was issued on 31.10.2022, with the observation that interim prayer of the petitioners shall be considered after appearance of the respondent Nos. 2 & 3, the informants of the case.

It is submitted that during pendency of this criminal petition, said Special POCSO Case No. 88/2022 arising out of Barpeta P.S. Case No. 2527/2021 was already heard and judgment was delivered.

In view of the above, this criminal petition has become infructuous and on instructions of the petitioners, Mr. M Hussain, learned counsel appearing on behalf of Mr. R Ali, learned counsel is not pressing this criminal petition.

Accordingly, this criminal petition stands dismissed, being not pressed.

JUDGE

Comparing Assistant