

GAHC010219852012



2024:GAU-AS:12570

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

Case No. : Crl.Pet./618/2012

SRI ARUP JYOTI DAS
S/O LT. PRAHLAD CHANDRA DAS HOUSE NO. 7, PRASANTI PATH, SURVEY,
BELTOLA, P.S. DISPUR, GHY-28.

VERSUS

THE STATE OF ASSAM AND ORS

2:THE OFFICER-IN-CHARGE
PATARCHAKUCHI P.S.
PATARCHAKUCHI
DIST. BARPETA
ASSAM

3:SRI PRADIP KUMAR DAS
S/O LT. BHARAT CHANDRA DAS
VILL- PATHSALA TOWN
WARD NO.3
P.S. PATARCHAKUCHI
DIST. BARPETA
ASSAM

4:SRI BINOD KALITA
HAVILDAR
PATHSALA POLICE OUTPOST
PATHSALA POLICE STATION
P.S. PATARCHAKUCHI
DIST. BARPETA
ASSA

Advocate for the Petitioner : MS.P PATHAK, MISS N GOGOI,MR.J N GOGOI,MS.P BARMAN,MSS CHANGKAKATI,MR.A NARZERY,MRS OJAH

Advocate for the Respondent : , MS.M DAS,MR A N AHMED,MR.B C CHOUDHURY,PP, ASSAM,,

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

Date : 12-12-2024

1. Heard Mr. A Narzery, learned counsel for the petitioner. Also heard Mr. P Borthakur, learned Addl. PP, Assam.
2. The present application is filed under section 482 read with section 397 of the Cr.P.C, for quashing of FIR registered as Patacharkuchi PS Case No.274/2011 under sections 341/325/379/506 IPC and subsequent charge sheet No.150 dated 07.12.2011 under sections 341/506 IPC.
3. The brief facts narrated in the FIR is to the effect that the informant is the customer of State Bank of India, Pathsala Branch and while he was returning home after lodging complaint to the Bank Authority about unavailability of money in the ATM counter located at the ground floor of State Bank of India, Pathsala Branch at north patti, Pathsala, the accused who is a bank official came downstairs and obstructed him and got hold of the collar of his shirt and then assaulted him and an amount of Rs.170/- was also taken out from his pocket.
4. During the investigation, statement of the informant was recorded. From the statement of the informant recorded under section 161 Cr.P.C., what is seen is that there was altercation between the accused and the

informant as regards unavailability of money in the ATM.

5. From the materials collected by the Investigating authority including the statement of other witnesses who were present at the place of occurrence, this court finds no material whatsoever to suggest any wrongful restrain of the informant by the accused bank official, except some altercation as regards unavailability of money in the ATM machine placed at the ground floor of the bank and a complaint made by the accused in this regard.

6. After perusal of the materials including the statement of the witnesses, this court had also not found material to suggest any criminal intimidation, inasmuch as the altercation that took place cannot be given the colour of a criminal intimidation.

7. In view of the aforesaid, this court is of the opinion that no case under section 341/506 IPC is made out during the course of investigation. Therefore the charge sheet is based on no materials.

8. Accordingly, the FIR dated 29.11.2011 in connection with Patacharkuchi PS Case No.274/2011 under sections 341/325/379/506 IPC and charge sheet No.150 dated 07.12.2011 under sections 341/506 IPC pending before the court of SDJM(M), Bojali, Pathsala is set aside and quashed.

JUDGE

Comparing Assistant