GAHC010051592023

2026:GAU-AS:11891

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

Case No. : Crl.Pet./345/2023

KALYAN KR. SARMA AND
C/O SMTI. MRIDULA DAS/RUPJYOTI SARMA
RESIDENCE OF BELTOLA,
BISHNU RABHA PATH
KRISHNA ARJUN PATH, HOUSE NO. 18,
GUWAHATI-781028
DIST. KAMRUP (METRO), ASSAM

2: SMTI. MRIDULA DAS /RUPJYOTI SARMA
RESIDENCE OF BELTOLA
BISHNU RABHA PATH
KRISHNA ARJUN PATH
HOUSE NO. 18

DIST. KAMRUP (METRO)
ASSAM
PIN-78102

VERSUS

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

2:SMTI. POONAM MAHANTA SARMA
W/O SRI KALYAN KUMAR SARMA
R/O SONAPUR NEAR SBI

P.S. SONAPUR
KAMRUP (M)
ASSAM
PIN-78240

Advocate for the Petitioner : MR. P K ROYCHOUDHURY, MR. M K DAS,MS Z ANJUM,A BHARADWAJ,MS. B CHETRY,MR G DEKA,MR. N G KUNDU

Advocate for the Respondent : PP, ASSAM, MR. A K BHUYAN (R-2),MS. N CHOUDHURY (R-2),MR. M BORAH (R-2),MS B BORA (R-2),MR. A KHOUND (R-2),MR A TALUKDAR (R-2),MR J DAS (R-2)

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

19.08.2026

Heard Mr. M.K. Das, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam, appearing for the State respondent No.1 and Ms. N. Choudhury, learned counsel for the respondent No.2.

2. This petition under Section 482 of the Code of Criminal Procedure, 1973 is preferred by the petitioners, namely, Kalyan Kr. Sarma and Mridula Das/Rupjyoti Sarma, for quashing of the D.V. Case No.120/2018 instituted under Section 12 of the Protection of Women from Domestic Violence Act, 2005 as well as to stay the operation of the proceedings under the D.V. Case No.120/2018, pending before the Court of learned Judicial Magistrate First Class, Kamrup(M), Guwahati.

3. Mr. Das, learned counsel for the petitioners submits that the respondent No.2, namely, Poonam Mahanta Sarma has instituted the proceeding under Section 12 of the Protection of Women from Domestic Violence Act, 2005 seeking some relief from the present petitioners. Mr. Das further submits that the respondent No.2 is the wife of the petitioner No.1 and several cases were pending between them and all the cases pending between the petitioners and the respondent No.2 are amicably settled and the petitioners herein are not willing to pursue the case and accordingly, the same may be set aside and quashed.

4. Ms. Choudhury, learned counsel for the respondent No.2 and Mr. Borthakur,

learned Addl. P.P. for the respondent No.1 submits that since the parties have settled all the disputes amicably between themselves and no willing to pursue the D.V. Case No.120/2018, the same may be quashed.

5. Accordingly, taking note of the submissions of learned counsel for both the parties, this Court has carefully gone through the petition and the documents placed on record.

6. It appears that the proceeding under Section 12 of the Protection of Women from Domestic Violence Act, 2005 was initiated on the basis of the complaint lodged by the respondent No.2. Since the parties have settled the dispute and no longer willing to pursue the D.V. case, being D.V. Case No.120/2018, this Court is of the view that further proceeding with the D.V. case would be an abuse of the process of the Court and if the petition is allowed, it would serve the end of justice.

7. In that view of the matter, this Court is inclined to allow this petition and consequently, the D.V. Case No.120/2018, pending before the Court of learned Judicial Magistrate First Class, Kamrup(M), stands set aside and quashed.

8. In terms of above, this criminal petition stands disposed of.

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant