GAHC010110892024

2026:GAU-AS:9774

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

Case No. : Crl.Pet./638/2024

SMT. JULI HAZARIKA BORA
W/O SRI DIPAK BORAH, R/O VILL- CHANDAMARI, P.O. AND P.S.-HELEM,
DIST-BISWANATH, ASSAM, PIN-784170

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:DIPAK BORAH
S/O LATE HARIPRASAD BORAH
P.O. AND P.S.-HELEM
DIST- BISWANATH
ASSAM
PIN-78417

Advocate for the Petitioner : MR. L GOGOI, K U AHMED

Advocate for the Respondent : PP, ASSAM, MR. F A HASSAN (R-2),MS A DAS(R-2),MR. S C BISWAS(R-2),MS. J GHOSH(R-2),MS. U NANDA(R-2)

BEFORE

HON'BLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

17-07-2026

Heard Mr. K. U. Ahmed learned counsel for the petitioner and Mr. P. Borthakur, learned Additional Public Prosecutor, Assam for the respondent No.1 Also heard Mr. S. C. Biswas, learned counsel for the respondent No.2.

2. This criminal petition has been filed under Section 482 of the CrPC seeking quashing of the criminal proceeding in C.R. Case No. 13/2026 presently pending before the Court of learned SDJM (M), Gohpur, District-Biswanath.

3. The aforesaid proceeding was initiated on the basis of the complaint filed by the respondent No.2, husband against the petitioner, wife. It appears from the complaint petition that the marriage between the parties was solemnized about 30 years ago and out of which, 2 children were born and they are now adults.

4. In course of time, the relationship between the parties broke down and the wife filed a divorce case against the complainant/respondent No.2 which was subsequently withdrawn. Thereafter, another divorce petition was filed by the petitioner wife being T.S.(M) No. 69/2022, which is still pending. After filing of the aforesaid divorce petition, the present complaint has been filed by the husband/respondent No.2.

5. It appears from the complaint that the case of the complainant is that he had bought a piece of land in Biswanath District, whereupon a house was constructed by the petitioner by taking loan from the Bank and she started to stay separately with the children. But the petitioner did not allow the children to

meet the complainant/husband. It is alleged that the complainant met with an accident on 04.12.2022, but the petitioner did not give any importance to the matter and did not allow their children to get information about their father's accident. Even when the complainant was admitted to hospital, the wife and children did not take care of him. After about two months when the complainant returned to his house, the petitioner wife locked the grill of the house and did not allow him to enter because of which the complainant went to his brother's house at Missamari.

6. The petitioner allegedly threatened the complainant that if he tried to enter the house by force, then she will burn him by pouring petrol. It is the further allegation that the ATM Card, PAN Card, Aadhar Card, Voter Id Card, Bank Passbook, RC, Driving License, land documents, cash amount of Rs.5,000/- and his cloths are all lying in the said house, where the petitioner wife resides.

7. The petitioner wife does not maintain any contact with the complainant and has also blocked his mobile phone. Because the complainant is not having the aforesaid documents, he is facing various problems.

8. Learned counsel for the petitioner submits that it is evident from the aforesaid complaint that the dispute is purely of civil nature and therefore, institution and continuance of the pending criminal proceedings amounts to an abuse of the process of the law.

9. Mr. Biswas, learned counsel for the respondent No.2 fairly concedes that the dispute is of a civil nature.

10. Having regard to the respective stand taken by the parties as also to the material available on record, I am of the view that the present criminal

proceedings deserve to be quashed.

11. Accordingly, the criminal proceeding in C.R. Case No. 13/2026 presently pending before the Court of learned SDJM (M), Gohpur, District-Biswanath hereby stands quashed.

12. This criminal petition stands disposed of accordingly.

JUDGE

Comparing Assistant