GAHC010085322025

2026:GAU-AS:16033

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

Case No. : Crl.Pet./463/2025

AFZAL KHAN AND 3 ORS
S/O AZHAR KHAN
R/O KAPAHARTARI, P.O. NALIGAON
P.S. AND DIST. BARPETA, ASSAM
PIN-781352.

2: SANOWAR HUSSAIN
S/OSEKANDAR ALI
R/O KAPAHARTARI
P.O. NALIGAON
P.S. AND DIST. BARPETA
ASSAM
PIN-781352.

3: SAHAR ALI
S/OMD. JADAB ALI
VILL-KAPAHARTARY
P.O.NALIGAON

P.S. AND DIST. BARPETA
ASSAM
PIN-781352

4: MAFJEL HAQUE
S/O SAHAR ALI
VILL- KAPAHARTARY
P.O. NALIGAON
PS.AND DIST. BARPETA
ASSAM
PIN-781352

VERSUS

THE STATE OF ASSAM

REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S H SIKDAR, MD IMRAN,A ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 02.11.2026

Heard Mr. S.H. Sikdar, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, learned Additional Public Prosecutor for the State.

2. The four petitioners herein have jointly invoked the inherent powers under Section 528 of the BNSS, seeking quashing of Basistha P.S. Case No. 143 of 2025 under Section 61/117(2) BNSS.

3. The said case was registered based on an FIR dated 06.03.2025 lodged by petitioner No. 3, Sahar Ali. The allegations in the FIR was that his son was engaged to work as a helper in the truck of petitioner No. 1, Afzal Khan, who was arrayed as accused No. 1 in the FIR, and that subsequently, the petitioner No. 2, Sanowar Hussain (arrayed as accused No. 2 in the FIR) was also engaged as a helper after the informant's son had joined. It is further stated that subsequently, the accused No. 1 told the informant that, his son was now capable to work as a driver and that the accused No. 2 would be engaged as a driver after his son. It is stated that thereafter on 02.03.2025, the accused persons in a conspiracy gave a blow on the head of his son, as a result of which

he sustained head injuries, leading to loss of consciousness. The informant's son had to be admitted in hospital and later taken to the Medical College Hospital at Barpeta. It is alleged that the accused persons committed the said incident with the intention to engage A-2 as driver in place of the informant's son.

4. As already mentioned above, on the basis of the FIR, the aforementioned case was registered and investigation was started.

5. In the meantime, there was stated to be a village meeting whereby a settlement was arrived at between the parties.

6. In connection with the same, the informant Sahar Ali filed an affidavit stating that both the parties are neighbour, and in the interest of peaceful social life, they have settled the case amicably outside court, and he has no objection if the case is quashed.

7. Similarly, the informant's son, Mafzel Haque, stated to be the victim, also filed an affidavit stating on similar lines about being neighbour and in the interest of peaceful social life, having settled the matter and having no objection to quashing of the proceeding.

8. In the backdrop of the said developments, the two accused persons and the informant along with his son (victim) joined together as the four petitioners, as mentioned earlier, to seek quashing of the criminal proceedings in exercise of powers under Section 528 BNSS.

9. It is submitted by the learned counsel that the petitioner that the informant's son had suffered minor injuries and that all the penal provisions under which the case has been registered are compoundable with the

permission of the court.

10. The petitioner No. 4 (informant's son-cum-victim) also filed an additional affidavit bringing on record a school certificate and voter's ID regarding his age, in terms of the direction of this Court and as per the said certificate, his date of birth is mentioned as 18.08.2006.

11. As per the FIR, the date of the incident is 02.03.2025. Thus, as per the said documents brought on record through the additional affidavit, the petitioner No. 4/victim was about – was about 19 years at the time of the alleged incident.

12. Vide order dated 23.07.2025, this Court was pleased to stay further investigation of the case.

13. Section 61 BNSS pertains to criminal conspiracy and Section 117(2) BNSS pertains to the offense of voluntarily causing grievous hurt. It has been pointed out during the hearing that Section 117(2) BNSS pertaining to the offense of voluntarily causing grievous hurt is punishable with imprisonment up to seven years and also fine, and that the offence is categorized as cognizable, bailable, and triable by any magistrate.

14. I have given my consideration to the matter and perused the relevant materials.

15. In their respective affidavits pursuant to the settlement, both the informant and the victim have stated about settling of the matter and have stated their no-objection to quashing of the matter.

16. The alleged victim in his additional affidavit mentioned above has

indicated his age on the basis of documents revealing him to be a major aged about 19 years at the time of the incident.

17. Further, the informant and the victim have themselves joined along with the two accused persons as petitioners seeking quashing of the criminal proceedings.

18. In the said facts and circumstances, no purpose would be served by continuing the criminal proceedings and the investigation, and therefore, it would be prudent to accept the prayer of the petitioners for quashing of the criminal proceedings.

19. Accordingly, in such a view of the matter, in exercise of powers under Section 528 BNSS, the **Basistha P.S. Case No. 143 of 2025** under Section 61/117(2) of BNS, 2023 (G.R. 1246 of 2025) and all consequential proceedings are hereby **quashed**.

20. The criminal petition stands allowed and disposed of.

JUDGE

Comparing Assistant