GAHC010121282026

2026:GAU-AS:14993

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

Case No. : Crl.Pet./961/2026

SHRI RAHUL
SO LT SH SANJAY AND SMT ANITA (MOTHER), R/O A2/654, JJ COLONY,
BHALSWA DAIRY, DELHI.

VERSUS

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

2:MS XXXXXXX
R/O KURUNG KUMEY
KOLORIANG
ARUNACHAL PRADESH
PIN-791118

Advocate for the Petitioner : MR. U PANDEY, MR. N SARMA

Advocate for the Respondent : PP, ASSAM, MS. R D MOZUMDAR, AMICUS CURIAE (R-2)

BEFORE

HON'BLE MRS. JUSTICE MITALI THAKURIA

ORDER

07-10-2026

Heard Mr. Anjani Kr. Rai and Mr. Manmohan Kumar learned counsel for the petitioner; Mr. K. K. Das, learned Additional Public Prosecutor, Assam for the respondent No.1. Also heard Ms. R. D. Mozumdar, learned Amicus Curiae, for the respondent No.2.

2. This application is filed under Section 528 BNSS, 2023 seeking quashing of the First Information Report (FIR) and the entire criminal proceeding, which arises out of the FIR No. 078/2026 under Section 137(2) of the BNS, 2023, read with Section 6 of the POCSO Act, 2012 under the Panbazar Police Station, Kamrup (M), Guwahati.

3. Mr. Rai, learned counsel for the petitioner submitted that one close relative of the victim had lodged the FIR against the petitioner with some false and concocted allegation.

4. It is the case of the petitioner that the victim as well as the petitioner came to know each other through an online dating application and thereafter, they developed a close friendship, which subsequently culminated into a consensual relationship. He further submitted that the victim at the relevant time of incident was a major girl and for the romantic relationship they developed, intended to marry each other and she voluntarily travel to Delhi to attend a marriage function along with the petitioner and one photograph is also annexed along with the petition to substantiate the fact that she attended the marriage ceremony at Delhi, wherein she also took a photograph along with the

petitioner.

5. The petitioner also annexed one matriculation certificate of the victim, which shows the date of birth of the victim as 10.10.2007 and the date of alleged incident is of 14.04.2026 on which date the victim had already attended majority and on her own will and accord, she left for Delhi to attend the marriage function.

6. He further submitted that in the grounds of arrest, the police based on the investigation on a video footage and in the said grounds of arrest it is stated that the victim was a minor girl without any further inquiry. So question arises as to how, the I.O. had the knowledge or came to the conclusion that the victim was a minor girl at the relevant time of incident.

7. He further submitted that while granting the transit remand by the Judicial Magistrate, First Class, Rohini Court Complex, Delhi had made an observation the accused was arrested under the relevant provision of POCSO, but there is no mention of such Act in the statement of the victim and no particular Section has been mentioned in the subject application and the contents of the application except that the Section 6 of the POCSO Act is liable to be added. Accordingly, he submitted that from the order of the learned Magistrate of Rohini Court Complex, Delhi it reveals that in the initial statement made by the victim, she did not brought any kind of sexual assault on her while passing the order of transit remand/bail. But, subsequently, after her production before the Court at Guwahati, Assam, she made her statement alleging sexual assault on her. Thus, she was tutored by her parents/close relatives to bring the allegation of sexual assault on her.

8. Further without going into the other aspects of the case, the I.O. made a

prayer for addition of Section 6 of the POCSO Act, which was accordingly allowed by the learned Addl. CJM, Kamrup (M), Guwahati vide its order dated 23.04.2026.

9. Mr. Rai, learned counsel also filed an additional affidavit to bring on record the Admit Card of National Eligibility-cum-Entrance Test (NEET) Examination, which was supposed to be appeared by the victim, wherein also the date of birth of the victim is mentioned as 10.10.2007. This additional document also proves that the victim was a major girl at the relevant time of incident and he further claimed that the Admit Card as well as the matriculation certificate was within the possession of the petitioner, which was furnished by the victim girl herself, as both the petitioner and the victim are still maintaining a consensual relationship and they are still ready to marry each other.

10. Mr. Rai, learned counsel further submitted that the age of a victim or a child in conflict with law is to be determined under Rule 12 of the JJ Act, wherein, the highest rated option available for determination of age of a minor is the matriculation certificate and in absence of the matriculation certificate only, he age may be determined considering the birth certificate or the birth certificate given by any corporation etc. In that context also Mr. Rail, learned counsel for the petitioner relied on a decision of the Apex Court in the case of **Jarnail Singh Vs. State of Haryana** reported in **(2013) 7 SCC 263** and basically emphasized on para 22 and 23 of the said judgment, which read as under:

> "*22. On the issue of determination of age of a minor, one only needs to make a reference to Rule 12 of the Juvenile Justice (Care and Protection of Children) Rules, 2007 (hereinafter referred to as the 2007 Rules). The aforestated 2007 Rules have been framed under Section 68(1) of the Juvenile Justice (Care and Protection of Children) Act, 2000. Rule 12 referred to hereinabove reads as*

under :

"*12. Procedure to be followed in determination of Age.? (1) In every case concerning a child or a juvenile in conflict with law, the court or the Board or as the case may be the Committee referred to in rule 19 of these rules shall determine the age of such juvenile or child or a juvenile in conflict with law within a period of thirty days from the date of making of the application for that purpose.*

(2) The court or the Board or as the case may be the Committee shall decide the juvenility or otherwise of the juvenile or the child or as the case may be the juvenile in conflict with law, prima facie on the basis of physical appearance or documents, if available, and send him to the observation home or in jail.

(3) In every case concerning a child or juvenile in conflict with law, the age determination inquiry shall be conducted by the court or the Board or, as the case may be, the Committee by seeking evidence by obtaining –

(a) (i) the matriculation or equivalent certificates, if available; and in the absence whereof;

(ii) the date of birth certificate from the school (other than a play school) first attended; and in the absence whereof;

(iii) the birth certificate given by a corporation or a municipal authority or a panchayat;

(b) and only in the absence of either (i), (ii) or (iii) of clause (a) above, the medical opinion will be sought from a duly constituted Medical Board, which will declare the age of the juvenile or child. In case exact assessment of the age cannot be done, the Court or the Board or, as the case may be, the Committee, for the reasons to be recorded by them, may, if considered necessary, give benefit to the child or juvenile by considering his/her age on lower side within the margin of one year. and, while passing orders in such case shall, after taking into consideration such evidence as may be available, or the medical opinion, as the case may be, record a finding in respect of his age and either of the evidence specified in any of the clauses (a)(i), (ii), (iii) or in the absence whereof, clause (b) shall be the conclusive proof of the age as regards such child or the juvenile in conflict with law.

(4) If the age of a juvenile or child or the juvenile in conflict with law is found to be below 18 years on the date of offence, on the basis of any of the conclusive proof specified in sub-rule (3), the court or the Board or as the case may be the Committee shall in writing pass an order stating the age and declaring the status of juvenility or otherwise, for the purpose of the Act and these rules and

a copy of the order shall be given to such juvenile or the person concerned.

(5) Save and except where, further inquiry or otherwise is required, inter alia, in terms of section 7A, section 64 of the Act and these rules, no further inquiry shall be conducted by the court or the Board after examining and obtaining the certificate or any other documentary proof referred to in sub-rule (3) of this rule.

(6) The provisions contained in this rule shall also apply to those disposed off cases, where the status of juvenility has not been determined in accordance with the provisions contained in sub- rule(3) and the Act, requiring dispensation of the sentence under the Act for passing appropriate order in the interest of the juvenile in conflict with law."

23 Even though Rule 12 is strictly applicable only to determine the age of a child in conflict with law, we are of the view that the aforesaid statutory provision should be the basis for determining age, even for a child who is a victim of crime. For, in our view, there is hardly any difference in so far as the issue of minority is concerned, between a child in conflict with law, and a child who is a victim of crime. Therefore, in our considered opinion, it would be just and appropriate to apply Rule 12 of the 2007 Rules, to determine the age of the prosecutrix VW-PW6. The manner of determining age conclusively, has been expressed in sub-rule (3) of Rule 12 extracted above. Under the aforesaid provision, the age of a child is ascertained, by adopting the first available basis, out of a number of options postulated in Rule 12(3). If, in the scheme of options under Rule 12(3), an option is expressed in a preceding clause, it has overriding effect over an option expressed in a subsequent clause. The highest rated option available, would conclusively determine the age of a minor. In the scheme of Rule 12(3), matriculation (or equivalent) certificate of the concerned child, is the highest rated option. In case, the said certificate is available, no other evidence can be relied upon. Only in the absence of the said certificate, Rule 12(3), envisages consideration of the date of birth entered, in the school first attended by the child. In case such an entry of date of birth is available, the date of birth depicted therein is liable to be treated as final and conclusive, and no other material is to be relied upon. Only in the absence of such entry, Rule 12(3) postulates reliance on a birth certificate issued by a corporation or a municipal authority or a panchayat. Yet again, if such a certificate is available, then no other material whatsoever is to be taken into consideration, for determining the age of the child concerned, as the said certificate would conclusively determine the age of the child. It is only in the absence of any of the aforesaid, that Rule 12(3) postulates the determination of age of the concerned child, on the basis of medical opinion."

11. He further submitted that in the instant case also in the absence of matriculation certificate, the other certificate i.e., the birth certificate which is produced by the prosecution may be considered for determination of the age of the victim.

12. Mr. Rai, learned counsel for the petitioner further submitted that there are many instances, wherein, the age of the victim is misrepresented to make the incident fall under stringent provisions of the POCSO Act and the law is used by the families in opposition to the relationship between the young people. He submitted that in a similarly situated circumstance the Hon'ble Apex Court in the case of **State of Uttar Pradesh Vs. Anurudh and Another** reported in **2026 SCC OnLine 40** para 19 had also observed as under:

> "***A NECESSITATED POST-SCRIPT***
> *19. As the conclusions drawn above indicate the impugned judgment and order of the High Court has to be set aside on grounds of transgression of the jurisdiction present and thereby lacking the appropriate directions. It is to be set aside also because it goes against the statutory prescription under the JJ Act. Be that as it may, this Court has not lost sight of the well-intentioned purport of this order. The POCSO Act is one of the most solemn articulations of justice aimed at protecting the children of today and the leaders of tomorrow. Yet, when an instrument of such noble and one may even say basic good intent is misused, misapplied and used as a tool for exacting revenge, the notion of justice itself teeters on the edge of inversion. Courts have in many cases sounded alarm regarding this situation. Misuse of the POCSO Act highlights a grim societal chasm - on the one end children are silenced by fear and their families are constrained by poverty or stigma, meaning thereby that justice remains distant and uncertain, and on the other hand, those equipped with privilege, literacy, social and monetary capital are able to manipulate the law to their advantage. The impugned judgment is one amongst many where Courts have spoken out. Not only are instances rife where the age of the victim is misrepresented to make the incident fall under the stringent provisions of this law but also there are numerous instances where this law is used by families in opposition to relationships between young people. In Satish alias Chand v. State of U.P.32, the High Court, noted that on few occasions concern had been*

expressed by the Court with respect to application of the Act on consenting adolescence when it comes to consensual relationships between teenagers, four factors have been highlighted which, is crucial for the Courts to consider:

"*A. Assess the Context: Each case should be evaluated on its individual facts and circumstances. The nature of the relationship and the intentions of both parties should be carefully examined.*

B. Consider Victim's Statement: The statement of the alleged victim should be given due consideration. If the relationship is consensual and based on mutual affection, this should be factored into decisions regarding bail and prosecution.

C. Avoid Perversity of Justice: Ignoring the consensual nature of a relationship can lead to unjust outcomes, such as wrongful imprisonment. The judicial system should aim to balance the protection of minors with the recognition of their autonomy in certain contexts. Here the age comes out to be an important factor.

D. Judicial Discretion: Courts should use their discretion wisely, ensuring that the application of POCSO does not inadvertently harm the very individuals it is meant to protect." Crl.Misc.Bail Appl.No.18596 of 2024 [See also: Mrigraj Gautam @ Rippu v. State of U.P.]33 The Delhi High Court in Sahil v. the State NCT of Delhi34 the Court noted in para 11 of the order that POCSO cases filed at the behest of a girl's family objecting to romantic involvement with a young boy have become common place and consequent thereto these young boys languish in jails. Therein, reference is also made to an order of the Gujarat High Court35, where the Court noted that considering the closeness in age of the prosecutrix and the accused as also the fact that she had left home of her own accord observed that the application deserved consideration.

This chasm between access and abuse is also mirrored in the misuse of Section 498-A IPC and the Dowry Prohibition Act, 1961. Amongst numerous examples, we may only refer to Rajesh Chaddha v. State of U.P36, where this Court lamented the use of these Sections without specific instances or relevant details, among other cases. It is also to be stated though that no amount of judicial vigilance against misuse can alone bridge this ever-widening gap. The first line of defence lies with the Bar i.e., the body that translates grievance into action and is the gatekeeper of justice at the point of 2023: AHC : 204171 2024: DHC: 6100 Jayantibhai Babulbhai Alani v. State of Gujarat 2018 SCC Online Guj. 1223 2025 SCC OnLine SC 1094 entry. When it comes to matters such as these, the responsibility of the advocate is profound – to examine the allegations with detachment and necessary discretion and to counsel restraint when grievance masks vengeance and to refuse participation in litigation when it can be seen that an ulterior motive is sought to be agitated under the guise of seeking protection of the law. It is only when the Bar takes a principled,

proactive role, that the legislation intended as a shield can be stopped from being twisted into a weapon. A lawyer who tempers aggression with calm, reason and rationality, protects not only the opposing party from unwarranted harm but also the client from the long-term consequences of frivolous or malicious litigation, including adverse orders, and judicial censure. By taking a principled stand, the Bar acts as a crucial filter, preventing the legal system from being overwhelmed by abuse masquerading as enforcement. Such self-regulation strengthens public faith in the profession, ensures that judicial time is reserved for genuine disputes, and reinforces the foundational idea that law is a means of justice, not a weapon of convenience. In this sense, the ethical vigilance of lawyers is not ancillary to justice, it is indispensable to it. When they do not do so, the chasm alluded to above widens. Society also must match institutional reform with moral awakening. The intent and object of these legislations must be at the forefront when a person wishes to lodge a complaint thereunder. The misuse of these laws is a mirror to the opportunistic and self-centered view that pervades the application of law. It is only through discipline, integrity and courage that these problems can be remedied and rooted out. Any legislative amendment or judicial direction will remain lack-luster without this deeper change.

We have referred to certain instances of the High Courts noting the misuse/misapplication of the POCSO Act, somewhat in line with the indices appended to the impugned judgment as also its progenitors.

Considering the fact that repeated judicial notice has been taken of the misuse of these laws, let a copy of this judgment be circulated to the Secretary, Law, Government of India, to consider initiation of steps as may be possible to curb this menace inter alia, the introduction of a Romeo – Juliet clause exempting genuine adolescent relationships from the stronghold of this law; enacting a mechanism enabling the prosecution of those persons who, by the use of these laws seeks to settle scores etc."

13. Citing the above referred judgments, it is submitted by Mr. Rai that only to bring the case under the POCSO act the false certificate of birth is produced wherein the girl is stated to be a minor by the family/close relative inspite of the fact that the girl was a major at the relevant time of incident and out of their consensual relationship, she voluntarily at her own will went to Delhi to attend a marriage function and still they are having relationship and agree to marry each

other and hence, in such a circumstances, it is a fit case to quash the FIR arises out of the FIR No. 078/2026 under Section 137(2) of the BNS, 2023, read with Section 6 of the POCSO Act, 2012 under the Panbazar Police Station, Kamrup (M), Guwahati by invoking the power under Section 528 BNSS.

14. Ms. Mozumdar, learned Amicus Curiae appearing for the respondent No.2/informant submitted in this regard that the allegation is basically against the accused petitioner is that he sexually assaulted the victim, who was a minor at the time of the incident and considering this aspect of the case, Section 6 of the POCSO Act is also added by the Court on the prayer made by the I.O.

15. She further submitted that one birth certificate was seized during investigation, wherein, the date of birth of the victim is mentioned as 10.10.2008 and the Matriculation certificate which is produced by the accused which shows date of birth of the victim as 10.10.2007. But on perusal of the said Matriculation certificate it is seen that the handwriting and ink used in the said Matriculation certificate is different from the handwriting and ink used in the date of birth, which also creates a reasonable doubt in the veracity of the said Matriculation certificate, which is produced by the accused petitioner along with the instant petition. Further the possession of the Matriculation certificate by the accused petitioner also cannot be accepted at this stage.

16. Accordingly she submitted that considering the nature of allegation made against the petitioner, it is not at a fit case to quash the FIR and the criminal proceeding initiated against the accused petitioner, as the case is still under investigation.

17. Mr. Das, learned APP also raised vehement objection and submitted that there are sufficient incriminating materials against the petitioner and from the

statement made by the victim also it is seen that she disclosed her age as 17 years, while giving her statement before the Magistrate and implicated the accused petitioner that he had sexual relationship with the victim. He accordingly submitted that from the date of birth as per birth certificate also establishes that the victim was a minor at the time of the incident, and even if, there was a love relationship between the accused and the victim, her consent cannot be considered as a valid consent because of her minor age.

18. He further submitted that before the CWC also, the victim also gave her statement, wherein, the date of birth is also recorded as 10.10.2008 and parents also gave a missing entry for the victim as she was missing from the house, on the date of incident. Further, it is an admitted position that she was with the accused petitioner for 3 days, wherein there was sexual relationship between them, which otherwise prima facie establishes a case against the accused petitioner under Section 6 of the POCSO Act. Mr. Das accordingly submitted that it is not at all a fit case for quashing the FIR and the criminal proceeding initiated against the petitioner, by exercising the power under Section 528 BNSS.

19. I have heard the submissions made by the learned counsel for the parties and also perused the case record and the case diary received from the I.O.

20. It is seen that the case is still under investigation and the accused petitioner was produced before the Magistrate on transit remand. However, he also obtained a transit bail from the concerned Magistrate at Delhi.

21. It is the basic contention of the petitioner that with some false and concocted allegation, the FIR has been lodged against him and only to bring the case under the POCSO Act, the age of the victim is stated to be less than 18

years.

22. Further, it is the case of the petitioner that as per her Matriculation certificate, her date of birth is 10.10.2007 and as per JJ Act, the Matriculation certificate is considered to be the highest rated option to consider or to determine the age of a victim or a child in conflict with law.

23. He further submitted that the accused and the victim had love relationship and they maintained a consensual romantic relationship and out of her own will and accord she visited to Delhi to attend a marriage function of the relative of the petitioner. But only to harass the accused petitioner, the FIR is being lodged by the close relative of the victim, wherein the age of the victim is stated to be less than 18 years and as per the birth certificate her age is shown as 10.10.2008.

24. On the other hand, the case of the prosecution as well as the respondent No.2 is that after missing of the girl from the house, the parents lodged a missing entry and subsequently, the girl was recovered from the house of the petitioner with the help of police and specially during the relevant period of time the victim was a minor, who was sexually assaulted by the accused petitioner and for which subsequently, Section 6 of the POCSO Act is also added on the prayer of the I.O.

25. Regarding the possession of the Matriculation certificate of the victim by the petitioner, it is explained that it was under his possession as the victim herself handed over her Matriculation certificate only to fill up the application for NEET Examination and to substantiate the plea the accused also produced one Admit Card of the victim for NEET Examination.

26. Mr. Rai, learned counsel for the petitioner submitted that initially the victim

made her statement before the learned Magistrate at Rohini Court at Delhi and considering the statement of the victim, the learned Magistrate had opined that there is no such materials and for which, the transit bail was also considered for the accused petitioner. But the petitioner failed to produce the earlier statement made by the victim at the time of recovery. However, after her recovery she was brought to Assam, wherein, the investigation was initiated and during that period, she gave her statement under Section 183 BNSS, wherein, she specifically disclose her age as 17 years and stated that prior to her visit to Delhi, the victim had sexual relation with the accused and even they stayed for 3 days in a hotel. Thus, from her statement, it is seen that she was sexually assaulted by the accused petitioner.

27. However, it is a fact that she had a love relation with the accused petitioner and also visited Delhi by her own and also stayed there for 3 days and thereafter only her family members lodged the complaint and she was recovered. But her consent cannot be considered as a valid consent in the eye of law, if she was minor at the relevant time of incident.

28. Coming to the issue of her minor age, it is seen that one birth certificate is seized by the police during investigation, wherein her date of birth is stated to be 10.10.2008 and as per which, she was below 18 years of age at the time of the incident and at the same time, she also disclosed her age as 17 years at the time recording her statement before the learned Magistrate under Section 183 BNSS.

29. On the other hand another Matriculation certificate is produced by the accused petitioner, which is stated to be in his possession wherein the date of birth of the victim is shown as 10.10.2007. But as argued by the learned Amicus Curiae, the handwriting and ink mentioned in the date of birth seems to be

different even after looking at it with bare eyes. Thus, the learned Amicus Curiae had raised the issue of genuineness of the Matriculation certificate, which is annexed along with the petition.

30. So considering these aspects of the case, it is seen that the age of victim is considered to be minor at the time of investigation on the strength of birth certificate, which was seized by police and at the same time, it is also an admitted fact that there was sexual relationship between the accused and the victim wherein her age was stated to be minor. Moreover, she disclosed her age as 17 years while giving her statement under Section 183 BNSS.

31. So considering this aspect of the case, it is seen that prima facie there is a case against the accused petitioner. However, during investigation, it may come as to whether the Matriculation certificate is genuine or the birth certificate seized by police is a genuine certificate.

32. The Investigation Officer of the case may investigate to that effect as the question of genuineness is raised by both the parties and during investigation, the I.O. can verify the genuineness of both the Matriculation certificate as well as birth certificate.

33. But prima facie considering the materials in the FIR as well as the statement of the victim under Section 183 BNSS, it is seen that there is a prima facie case against the petitioner and hence, considering this aspect of the case, this Court is of the considered opinion that it is not at all a fit case to quash criminal proceeding including the FIR, which is still under investigation.

34. In case of **State of Haryana v. Bhajan Lal**, reported in **1992 Supple. 1 SCC 335**, the Hon'ble Apex Court had provided several guidelines while disposing the criminal petition for quashing. The following guidelines are issued

in para 102, which reads as under:-

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of Justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelized and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such powers should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirely do not prima facie constitute any offence or make out a case against the accused. (2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code expert under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

35. In the above referred case of **Bhajan Lal (supra),** the Apex Court had opined that a case or proceeding can be quashed even if, there is no prima facie case reveal, even it is considered at the face value. But, as discussed above, in the present case, a prima facie case is found to be established against the accused petitioner and at the same time, the petitioner could not establish that only due to previous grudge or personal grudge, the FIR has been lodged with a malafide intention only to harass the petitioner.

36. In view of above, this Court is of the opinion that it is not at all a fit case to quash the First Information Report (FIR) and the entire criminal proceeding, which arises out of the FIR No. 078/2026 under Section 137(2) of the BNS, 2023, read with Section 6 of the POCSO Act, 2012 under the Panbazar Police Station, Kamrup (M), Guwahati.

37. With the above observation and direction, this criminal petition stands disposed of.

38. Return the Case Diary herewith.

JUDGE

Comparing Assistant