GAHC010198252026

2026:GAU-AS:14815

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

Case No. : Crl.Pet./1271/2026

SMT SANCHITA CHETIA AND ANR
WIFE OF SRI ARUP BARUAH,

2: SRI ARUP BARUAH
SON OF SRIJINTU BARUAH

BOTH ARE RESIDENTS OF FLAT NO. 1B
DISHANT MANSION
KAHILIPARA
GUWAHATI UNDER DISPUR POLICE STATION IN THE DISTRICT OF KAMRUP M
ASSAM
PIN- 781019

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE P.P, ASSAM

2:SRI ROHINI KUMAR DUTTA
SON OF NAGEN DUTTA RESIDENT OF FLAT NO. 1C
DISHANT MANSION
KAHILIPARA
GUWAHATI UNDER DISPUR POLICE STATION IN THE DISTRICT OF KAMRUP M
ASSAM
PIN- 781019

Advocate for the Petitioner : MR A CHAKRABORTY, MS H.K. SUMI

Advocate for the Respondent : PP, ASSAM, MR. M P SARMA(R2)

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

05.10.2026

Heard Mr. A. Chakraborty, learned counsel for the petitioners; Mr. B. Sarma, learned Additional Public Prosecutor for the State, being respondent No. 1; and Mr. M.P. Sarma, learned counsel for the respondent No. 2.

2. In this petition, under Section 528 of the BNSS, the petitioner has prayed for quashing the Dispur PS Case No. 431/2026, under Section 308(4) of the BNS, arising out of Bhaggaduttapur Outpost GD Entry No. 491, dated 17.06.2026.

3. Mr. Chakraborty, learned counsel for the petitioner, submits that on 17.06.2026, in the late evening, the petitioners herein had received a letter, dated 17.06.2026, through courier, namely, DTDC, which was addressed to the father of the petitioner No. 1 and the same was allegedly written by one Sri Bimal Das and Inamul Islam of Bhakatgaon, Morigaon. In the said letter, false allegations were made regarding the marital life of the petitioners and the author of the letters also demanded money and threatened that failing which, their lives will be in trouble. Furthermore, the petitioners were also asked to meet the above-named persons at Baghorbari, Guwahati, on 22.06.2026 and threatened that failing to meet, they would visit their house and create problems, which the petitioners might have to pay with their lives.

3.1. Mr. Chakraborty further submits that upon the said FIR, Bhaggaduttapur Outpost recorded a GD Entry, being No. 491, dated 17.06.2026 and conducted preliminary inquiry and during preliminary inquiry, it has been found that further investigation is required after registration of a case. And accordingly, Dispur PS

Case No. 431/2026, under Section 308(4) of the BNS, has been registered.

3.2. Mr. Chakraborty also submits that investigation of the said case is still going on, but in the meantime, the petitioners came to know that the said letter was written by none other than the brother-in-law of the petitioner No. 1, namely, Rohini Kumar Dutta (respondent No. 2). Thereafter, both the parties, in presence of elderly members of the family, set together and then, the respondent No. 2 expressed his regret in sending the letter in question. Therefore, the petitioners have approached this Court by filing this petition for quashing the FIR, dated 17.06.2026. Under such circumstances, Mr. Chakraborty has contended to allow this petition.

4. On the other hand Mr. M.P. Sarma, learned counsel for the respondent No. 2, submits that he has no objection in the event of allowing this petition.

5. Per-contra, Mr. B. Sarma, learned Additional Public Prosecutor, has produced the case diary before this Court and submits that the IO has collected some materials during investigation and it has also been found that the respondent No. 2, who wrote the letter in question, suffered pressure stroke and he has been admitted at Dispur Hospital. Mr. B. Sarma further submits that in view of the fact that the petitioners are not willing to pursue this matter, the State has no objection in the event of allowing this petition.

6. Having heard the submissions of learned counsel for both the parties, this Court has carefully gone through the petition as well as the documents placed on record and also perused the case diary with the assistance of learned Additional Public Prosecutor.

7. The requirement for quashing a criminal proceeding is laid down by Hon'ble Supreme Court in the case of **Gyan Singh vs. State of Punjab**, reported in

(2012) 10 SCC 303. And these are –

(i) Secure the ends of justice;

(ii) Prevent abuse of the process of the Court.

8. It appears that the allegations relates to placing or attempting to place any person in fear of death or grievous hurt in order to commit extortion and punishment prescribed for the same is imprisonment of either description for a term which may extend to 7 years and fine.

9. In the instant case, the dispute is between the petitioners and the respondent No. 2, who are family members and the dispute is resolved between them and the petitioners are not willing to pursue the matter and as such, this Court is of the view that if this petition is allowed then it will serve the end of justice. And further, allowing the investigation to continue would amount to abuse of process of the court, as there is unlikelihood of implicating the respondent No. 2 by the petitioners, for being family members.

10. Accordingly, taking note of the submissions of learned counsel for both the parties and also considering the fact that the dispute between the family members has amicably been settled, this Court is of the view that allowing this petition will serve the end of justice.

11. Accordingly, this petition stands allowed, by setting aside and quashing the FIR, dated 17.06.2026, of Dispur P.S. Case No. 431/2026, stands set aside and quashed.

12. Case diary be returned.

JUDGE

Comparing Assistant