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

Case No. : Crl.Pet./1651/2026

IDUDD JAMAN ALIAS MD IDDUDD HUSSAIN AND ANR
S/O ISMAT ALI,VILLAGE GOTLONG GAON,P.O. KALIABHOMORA,P.S. TEZPUR,DISTRICT SONITPUR, ASSAM.

2: RAJUDDIN AHMED ALIAS MD RAJU
S/O LATE HAFIZUDDIN AHMED
VILLAGE GOTLONG GAON
P.O. KALIABHOMORA
P.S. TEZPUR
DISTRICT SONITPUR
ASSAM

VERSUS

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

2:AINUL HOQUE
S/O NUR MAHAMMAD
VILLAGE GUTLONG TANPARA
P.O. KALIABHOMORA
P.S. TEZPUR
DISTRICT SONITPUR
ASSAM
PIN 784027

Advocate for the Petitioner : MR. A T SARKAR, S R DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

25.11.2026

1. Heard Mr. A. T. Sarkar, learned counsel for the petitioner and Ms. S. H. Bora, learned Additional Public Prosecutor for the State.

2. By this application, under Section 528 of the BNSS, 2023, the petitioner has prayed for quashing of the FIR registered as Tezpur P.S. Case No. 515/2025 under Sections 140(3) as well as 3(5) of B.N.S.S. 2023.

3. The case of the petitioner is that an FIR was lodged by the father of the victim on 18.07.2025, stating *interalia* that his daughter was found missing on the previous day at around 10 p.m. It was also stated by the informant that he and others had searched his daughter, but his daughter could not be traced out, and as such, it is stated that he suspects that the petitioner along with the other person mentioned in the FIR, had kidnapped his daughter.

4. Learned counsel for the petitioner submits that the victim, i.e., the daughter of the informant and petitioner No. 1 had a love relationship and that on the day of occurrence, the daughter of the informant eloped with petitioner No. 1. He further submits that pursuant thereof, the victim, i.e., the daughter of the informant, got married with petitioner No. 1 and out of the said wedlock, one son was born on 16.05.2026. He further submits that the father of the alleged victim, i.e., the informant had sworn in an affidavit on 22.09.2026, wherein he stated that after he lodged the FIR, he came to know that his daughter voluntarily went with petitioner No. 1 due to the love relationship and that his daughter married petitioner No. 1 and started her conjugal life, and out of the said wedlock, a baby boy was born. He, as such, submits that the present case be quashed for the ends of justice.

5. On the other hand, Ms. S. H. Bora, learned Additional Public Prosecutor submits that the victim was minor when the FIR was lodged and she submits that although cases can be quashed on settlement being reached, but she submits that since the present offence is made out under the POCSO Act, the quashing of the present FIR may not be entertained.

6. I have heard the counsels and I have gone through the reports.

7. It is noticed that the FIR was lodged by the father of the victim on 18.07.2025, stating that his daughter is found missing from his house on the previous day, and on suspicion, he lodged the FIR against the petitioners and stating that they had kidnapped his daughter. The said FIR was registered by the Investigating Officer after conducting a preliminary enquiry and the same was registered as Tezpur P.S. Case No. 515/2025 under Sections 140(3) read with Section 3(5) of BNS, 2023.

8. It is further noticed that after the incident was reported and the case was registered, the father of the alleged victim i.e., the informant had sworn in an affidavit in 22.09.2026, stating that his daughter was in love relationship with petitioner No. 1 and that his daughter got married with him and a child was born on 16.05.2026. It is also stated by the informant that his daughter and petitioner No. 1 had been living peacefully along with their baby son, and as such, he stated that he desires not to continue the case against the accused person.

9. It is also noticed from the birth certificate annexed by the petitioner in his petition that the child was born on 16.05.2026, and the name of the mother and the father are reflected as Afsana Khatun and Iddudd Jaman, i.e., the victim and petitioner No. 1 respectively.

10. It is held by the Apex Court in a number of decisions, the leading case

being ***Gian Singh Vs. State of Punjab*****,** reported in ***(2012) 10 SCC 303*****,** wherein it was held that in cases where there is no likelihood that the accused person would be convicted or where it is seen that the continuance of the said case would result in oppression of the parties or would cause prejudice to any of the party, the same can be quashed by the High Court in exercise of its inherent jurisdiction. The observations made in the aforesaid case is reproduced below:-

"*But the criminal cases having overwhelmingly and pre-dominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."*

11. It is also held by the Apex Court in ***Mahesh Mukund Patel Vs. State of Uttar Pradesh*** reported in ***(2025) SCC Online SC 614,*** has held that when the appellant got married with the victim, there will be no requirement to continue the case as it will lead to nowhere.

In the instant case it is also seen that the victim had married petitioner No. 1 and that a child is also born out of the said wedlock.

12. In view of the said facts and circumstances, this Court, therefore, deems it fit to quash the aforementioned police station case as the continuance of the same will result in oppression and prejudice to the parties. Accordingly, the

Tezpur P.S. Case No. 515/2025, registered under Sections 140(3)/3(5) of BNS 2023, is set aside and quashed.

13. In terms of the above observation, this petition is dismissed.

1JUDGE

Comparing Assistant