GAHC010259052026

2026:GAU-AS:17096

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

Case No. : Crl.Pet./1607/2026

EMRANA KHATUN ALIAS IMRANA KHATUN AND 3 ORS.
WO HABIJUL HAQUE ALIAS HABIJUL ISLAM, ISLAM, DO FAKAR UDDIN,
RO VILL SALMARABORI, PS DHING, DIST NAGAON, ASSAM

2: HABIJUL HAQUE ALIAS HABIJUL ISLAM
S/O SAMSUL HAQUE
R/O VILL SALMARABORI
PS DHING
DIST NAGAON
ASSAM

3: SEKANDAR ALI ALIAS SIKANDAR ALI ALIAS MD SIKENDAR ALI
S/O LATE ABDUR RAHMAN
R/O VILL SALMARABORI
PS DHING
DIST NAGAON
ASSAM

4: SHAHJAHAN ALI ALIAS SAHJAHAN ALI
S/O LATE ABDUL RAHIM
R/O VILL SALMARABORI
PS DHING
DIST NAGAON
ASSA

VERSUS

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

2:FAKAR UDDIN ALIAS FAKARUDDIN
S/O LATE ABDUL SALAM
R/O VILL SALMARABORI
PO BECHAMARI

PS DHING
DIST NAGAON
ASSA

Advocate for the Petitioner : MR SARFRAZ NAWAZ, SAMIM RAHMAN,K M KALITA,MD A RAHMAN,MR. SURAJIT DAS,MR A W AMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 19.11.2026

Heard Mr. S. Nawaz, counsel for the petitioner and Ms. S. H. Borah, learned Addl. Public Prosecutor for the State of Assam.

2. By this application filed under Section 528 of B.N.S.S. 2023, the petitioner has prayed for quashing of the proceedings initiated vide P.R.C. Case No. 791 of 2026, arising out of Dhing P.S. Case No. 61 of 2026, registered under Section 87/3(5) of B.N.S. 2023, pending before the court of Sub-Divisional Judicial Magistrate (S), Nagaon.

3. This is a joint application, filed by the victim as well as the accused persons, mentioned in the FIR as well as in the charge- sheet. The fact of the case is that, the father of the victim, i.e., petitioner No. 1, had lodged an FIR on 16.03.2026, alleging *inter alia*, that taking advantage of absence of men in the house, his daughter, aged 19 years, was forcibly taken away by petitioner no. 2, with the aid and assistance of petitioner nos. 3 and 4. The police upon receipt of the FIR, registered the case, under Section 87 as well as Section 3(5) of B.N.S. 2023.

4. Thereafter, upon completion of the investigation, submitted charge-sheet, against all the 3 accused persons on the basis that a prima facie case has been established against them under Section 87 as well as Section 3(5) of B.N.S. 2023. Thereafter, the learned court of S. D. J. M. (S), Nagaon, by order dated 25.06.2026, took cognizance of offence under the said Sections, i.e., Section 87 and Section 3(5) of B.N.S.S. 2023, against petitioners no. 2, 3 and 4, i.e., all the accused persons.

5. The learned counsel however, submits that the petitioner no. 2, and the alleged victim, i.e. daughter of the informant had a love relationship and the victim had eloped, with petitioner no.2 and thereafter, a marriage was entered into with petitioner no. 2, and a certificate of marriage was executed on 10.07.2026. He also submits, that father of the victim, i.e. the informant is also a signatory, i.e. a witness to the said marriage of petitioner no. 1 with petitioner no. 2.

6. The learned counsel also submits, that the daughter of the informant, i.e. petitioner no. 1, had sworn in an affidavit on 17th of July 2026, stating *inter alia*, that she married petitioner no. 2, and that marriage was solemnized on 10.07.2026, and a certificate was issued and that she has no objection, if the Hon'ble court quashes the said case. As such, the learned counsel submits that since the petitioner nos. 1 and 2 got married and the affidavit has been sworn in by the petitioner no. 1, the present case be quashed for the ends of justice.

7. On the other hand, Ms. S.H. Borah, learned APP, submits that in the facts of the case, since the petitioner nos. 1 and 2 got married and the allegation against petitioner nos. 3 and 4, is only that they had assisted petitioner no. 2, in

taking the victim from her house, which is stated to be a case of love relationship between petitioner no. 1 and 2, she submits in her fairness, that the matter may be quashed.

8. I have heard the counsels and have gone through the records. It is a settled position of law, that cases which are settled amongst the parties and which are not heinous in nature and which are matrimonial in nature or civil disputes, the same can be quashed, on settlement being reached between the parties by the High Court in its inherent jurisdiction. In ***Parbatbhai Aahir @ Parbatbhai Bhimsingbhai Kamur Vs. State of Gujarat;*** reported in ***(2017) 9 SCC 641***, it was held by the Hon'ble Apex Court, that the High Court in exercise of its inherent jurisdiction and while dealing with a plea that the dispute has been settled, should decide by giving due regard to the nature and gravity of the offence. It is held that heinous and serious offences, involving mental depravity, or offences such as murder, rape or decoity, cannot appropriately be quashed, though settlement has been reached but it is also stated, that cases which are private in nature and which does not have a serious impact upon the society can be quashed, on settlement being reached between the parties.

9. In the incident case, it is seen that petitioner no.1, had married petitioner no. 2, after going out from her house and the marriage was solemnized on 10.07.2026, and the certificate of marriage was issued to her, and the informant is also seen to be a witness in the said marriage. It is also seen that petitioner no. 1, i.e., the victim had sworn in an affidavit, stating therein, that petitioner no.2 is her husband and that she has no objection in quashing of the case.

10. It is therefore, is in the fitness of the case, that the instant case be

quashed for the ends of justice as has been held by the Hon'ble Apex Court. Accordingly, the FIR being registered as Dhing P.S. Case No. 61/2026, registered under Sections 87 as well as 3(5) of BNS, 2023, along with the Charge-sheet submitted vide Charge-sheet No.132 of 2026, submitted on 30.05.2026 in connection with the aforesaid case are quashed and set aside. Further the proceedings initiated vide PRC Case No. 791/2026, as well as the order of cognizance of offence taken by the said court against the petitioners as well as the subsequent orders passed in the said PRC are quashed and set aside.

11. The Criminal Petition is as such disposed of.

JUDGE

Comparing Assistant