

GAHC010081552021



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

**Case No. : Crl.Pet./333/2021**

AFZAL HUSSAIN @ AZOI  
S/O NASIR UDDIN, RESIDENT OF VILLAGE NIZVARNARPUR PART I, PS  
LALA, PO LALA, DIST HAILAKANDI, ASSAM 788163.

VERSUS

THE STATE OF ASSAM AND ANR  
REPRESENTED BY PP ASSAM

2:ABUL HUSSAIN LASKAR  
S/O LATE INTAZ ALI  
RESIDENT OF NIZVARNARPUR  
PART I  
PS AND PO LALA  
DIST HAILAKANDI  
ASSA

**Advocate for the Petitioner : MR. S C BISWAS**

**Advocate for the Respondent : PP, ASSAM .**

**BEFORE**  
**HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN**  
**ORDER**

**30.07.2021.**

By way of this petition under Section 482 of the CrPC, the petitioner sought for quashing of the FIR and the charge sheet No.256/2020, in connection with the FIR of Lala P.S. Case No.202/2020, under

Sections 365/376(3) of the IPC, read with Section 4 of the POCSO Act.

Heard Mr. S.C. Biswas, learned counsel for the petitioner as well as Mr. M.P. Goswami, learned Addl. P.P., Assam for the State respondent.

The petitioner herein has been shown as absconder in the charge sheet, pertaining to Lala P.S. Case No.202/2020, under Sections 365/376(3) of the IPC, read with Section 4 of the POCSO Act.

According to the petitioner, he was available at his present address and he had no knowledge about the case neither the police came in his search, in his place of residence. Hence he prayed for quashing of the FIR as well as the charge sheet filed against him in the aforesaid case.

I have gone through the documents annexed including the FIR as well as the charge sheet.

The accused has been named in the FIR as the accused No.1 and obviously he was implicated in the said case. The police, after completion of the investigation, has submitted the charge sheet only against the present accused petitioner and other accused were not sent for trial. The gap between the FIR and filing of the charge sheet is also not high, as the occurrence took place on 09.05.2020 and the charge sheet was filed on 30.09.2020.

The contention raised by the petitioner cannot at all be maintained as regards the fact that he had no knowledge about lodging of the FIR.

In view of prima facie case against the petitioner, the question of quashing the FIR and the charge sheet will not come and the only alternative is to face the trial by the accused by appearing before the trial Court.

The learned counsel for the petitioner also submitted the position that the petitioner is ready to face the trial but apprehensive of arrest.

Considering all entireties, the present petition stands disposed of with a direction to the petitioner to approach the learned trial Court with prayer for regular bail, within one month from today and the learned trial Court will consider and dispose of the same in accordance with the law.

The present petition stands disposed of.

**JUDGE**

**Comparing Assistant**