

GAHC010087972023



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

**Case No. : Crl.Pet./377/2023**

SRINIVAS B.V.  
S/O VENKATESH G.V.  
RESIDENT OF 726/A, MC MODI  
STREET, RAJAJINAGAR, BANGALORE NORTH BENGALURU 560010  
CURRENTLY THE PRESIDENT OF INDIAN YOUTH CONGRESS, INDIAN  
NATIONAL CONGRESS, NEW DELHI.

VERSUS

THE STATE OF ASSAM AND ANR.  
REP. BY THE LEARNED PP, ASSAM

2:DR ANGKITA DUTTA  
D/O LATE ANJAN DUTTA  
R/O HOUSE NO. 16  
BISHNU PATH

RUKMINI GAON  
GUWAHATI  
ASSAM-78102

**Advocate for the Petitioner : MR. K N CHOUDHURY**

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

**BEFORE**  
**HONOURABLE MR. JUSTICE AJIT BORTHAKUR**

**ORDER**

**26.04.2023**

Heard Mr. K.N. Choudhury, learned Sr. counsel appearing for the petitioner.

Also heard Mr. D. Saikia, learned Advocate General, Assam and Mr. M. Phukan, learned Public Prosecutor appearing for the State/respondent No.1.

2. By this petition under Section 482 Cr.P.C. the petitioner has prayed for the following reliefs-

i) Set aside/quash Dispur P.S. Case No. 692/2023 under Sections 509/294/341/352/354/354A(iv)/506 of the IPC read with Section 67 of the I.T. Act, 2000;

ii) Set aside/quash the Notice, dated 23.04.2023 issued by Dispur P.S.;

iii) Direct the respondents not to take any coercive action against the petitioner during pendency of the present petition;

iv) Stay the proceedings under notice of personal appearance/summons, dated 21.04.2023 issued by the Inspector General of Police, CID, Ulubari, Guwahati, Assam during the pendency of the present petition and further,

3. In the interim, the petitioner has prayed for stay of the operation of the impugned FIR in Dispur P.S. Case No. 692/2023 as well as to direct the respondent State not to take any coercive steps/action against him.

4. The allegation made in the FIR is that the complainant, one Dr. Angkita Dutta, who was the President of the Assam Youth Congress has, *inter-alia*, alleged that the petitioner, who is the President of Indian Youth Congress has been persistently harassing her mentally by way of sexist and slang words and also threatening her with dire consequences if she discloses the same before the high office bearers of the Congress Party. It is further alleged that when the informant went to Raipur in the state of Chhattisgarh to attend the plenary

session of the Congress Party held on 25.03.2023, where she was received by one Bhupen Bora, the President of the APCC at Mayfair Hotel and met other high office bearers of the Congress party, at the entrance of the same hotel she came across the petitioner who heckled her by holding her arms and also threatened her by using slang words. It is also alleged that despite informing the behaviour of the petitioner before the high office bearers of the Congress Party, it did not yield any result, hence, she lodged the instant FIR.

5. Issue notice to the respondent No.2. Steps be taken by registered speed post with A/D within 2(two) days.

6. As the learned Public Prosecutor appearing for the respondent No.1/State has accepted notice, no fresh notice needs to be issued. However, a copy of the petition along with the documents annexed thereto, be furnished to Mr. Saikia and Mr. Phukan jointly during the course of the day.

7. Call for a legible scanned copy of the case diary along with 164 statement of the victim/complainant.

8. Mr. K.N. Choudhury, learned Sr. counsel appearing for the petitioner, has persistently insisted on grant of interim relief to the petitioner today itself on merit of the case as well as on the ground that the complainant has filed the case for political vendetta. In support of his submission and in the backdrop of nature of facts and circumstances, Mr. Choudhury has relied on the following grounds-

(a) That Assam Police has no jurisdiction to inquire into any of the allegations made in the complaint let alone registration of the instant FIR. In this context, Mr. Choudhury has relied on the judgments of the Hon'ble

Supreme Court rendered in **(i) Union of India Vs. Ashok Kumar Sharma**, reported in **(2021) 12 SCC 674** and **(ii) Bimla Rawal and Ors. Vs. NCT of Delhi**, reported in **2008(1) LRC 391 (Delhi)**;

(b) That the ingredients of the offences as alleged are not made out on a prima facie reading of the complaint. In this regard, Mr. Choudhury has referred to the judgment rendered by the Hon'ble Apex Court in **N.S. Madhanagopal & Anr. Vs. K. Lalitha, in Criminal Appeal No.1759/2022**;

(c) That there is inordinate delay in filing the FIR. In this context, Mr. Choudhury has referred to the following judgments rendered by the Hon'ble Supreme Court in **(i) Satpal Singh Vs. State of Haryana**, reported in **(2010) 8 SCC 714** **(ii) State of Andhra Pradesh Vs. M. Madhusudhan Rao**, reported in **(2008) 15 SCC 582** **(iii) Kishan Singh Vs. Gurpal Singh**, reported in **(2010) 8 SCC 775** and **(c) Lalita Kumari Vs. Govt. of U.P.**, reported in **(2014) 2 SCC 1**;

(d) That the case is filed by the complainant with an ulterior political motive. In this regard, Mr. Choudhury has relied on the decision of the Hon'ble Delhi High Court in **Brinda Karat and Ors. Vs. NCT of Delhi, W.P. (Crl.) No. 1624/2020, decided on 13.06.2022** and further,

(e) has cited a number of contradictions and improvisations of the statements of the complainant.

9. Referring to the above judgments, Mr. Choudhury, learned Sr. Counsel, has persistently and strenuously insisted on granting interim reliefs to the petitioner today itself, failing which, it is submitted that

**the petitioner has expressed willingness to approach the Hon'ble Supreme Court.**

10. Mr. D. Saikia, learned Advocate General, has raised objection to grant of any interim relief to the petitioner today itself without perusal of the case diary by this Court and in the backdrop of the allegations made in the F.I.R. has relied on the following judgments rendered by the Hon'ble Supreme Court-

- (i) Lalita Kumari Vs. Government of U.P. and others**, reported in **(2014) 2 SCC 1;**
- (ii) Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others**, reported in **2021 SCC OnLine SC 315;**
- (iii) Manoj Kumar Sharma and others Vs. State of Chhattisgarh and another**, reported in **(2016) 9 SCC 1;**
- (iv) Rasiklal Dalpatram Thakkar Vs. State of Gujarat and others**, reported in **(2010) 1 SCC 1;**
- (v) Satvinder Kaur Vs. State (Govt. of NCT of Delhi) and another**, reported in **(1999) 8 SCC 728;**
- (vi) Ravinder Kumar and another Vs. State of Punjab**, reported in **(2001) 7 SCC 690;** and
- (vii) State of Haryana and others Vs. Bhajan Lal and others**, reported in **1992 Supp(1) SCC 335.**

11. Having heard the learned counsel of both sides and consideration of the

averments made in the petition supported by copy of relevant documents as well as the citations referred to above in support of respective submissions and counter-submissions, this Court is of the considered opinion that perusal of the case diary including the statement of the victim woman under Section 164 Cr.P.C. is of utmost necessity for a just decision on the interim prayers of the petitioner.

12. Accordingly, the interim prayer will be considered only after receipt of the scanned copy of the case diary and service of notice on the respondent No. 2.

List on **02.05.2023**.

**JUDGE**

*Anupam*

**Comparing Assistant**