

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 10165 of 2023**

=====

ASHOKBHAI MALABHAI PARMAR
Versus
STATE OF GUJARAT

=====

Appearance:

MR SAMIR AFZAL KHAN(3733) for the Applicant(s) No. 1,2,3,4,5
for the Respondent(s) No. 2

PUBLIC PROSECUTOR for the Respondent(s) No. 1

=====

CORAM:HONOURABLE MR. JUSTICE J. C. DOSHI

Date : 10/11/2023**ORAL ORDER**

1. Learned Advocate Mr. Khan appearing for the petitioners does not press this petition qua Petitioner No.1. This petition stands disposed of qua Petitioner No.1, accordingly.

2. By way of this petition, the Petitioner Nos. 2 to 5 have prayed for the quashing of the FIR No. 11198036230027 of 2023, registered with Mahila Police Station, Bhavnagar, under Sections 498A, 323, 504, 114, 506(2) of the Indian Penal Code, Sections 3 and 7 of the Dowry Prohibition Act.

3. Heard. From a perusal of the complaint produced at Annexure-A, it transpires that Petitioner No.2 is mother-in-law, Petitioner No.3 is sister-in-law, Petitioner No.4 is brother-in-law and Petitioner No.5 is the person, who is alleged to have played the role of middle man in contracting the marriage between Petitioner No.1 and Respondent No.2 herein. The

allegations made against these petitioners are vague and general in nature.

4. Considering the submissions made, **RULE**, returnable for final hearing on **14TH FEBRUARY, 2024**. Learned APP waives service for Respondent-State.

4.1 The investigation shall go on, but, the charge-sheet **shall not** be filed qua the present petitioner without the prior permission of this Court. Further, the Investigating Officer shall follow the guidelines issued by the Hon'ble Apex Court in the case of '*ARNESH KUMAR V STATE OF BIHAR*', (2014) 8 SCC 273, reiterated in the case of '*MD. ASFAK ALAM VS. THE STATE OF JHARKHAND AND ANOTHER*,' reported in 2023 INSC 660, and pursuant to which, Circular No. C.2703/81 dated 25.08.2023 is issued by this Court. It shall be open to the parties to make a request for early hearing in case of difficulty.

UMESH/-

(J. C. DOSHI,J)