

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 1689 of 2026

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NILESH KUMAR LALIT KUMAR
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR DHRUV K DAVE(6928) for the Applicant(s) No. 1
MR VAIBHAV A VYAS(2896) for the Applicant(s) No. 1
MR. MANAN MAHETA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS

Date : 18/03/2026

ORAL ORDER

1. Heard Mr. Vaibhav A. Vyas, learned advocate appearing for the applicant and learned APP Mr. Manan Maheta appearing for the respondent No.1 - State. Perused the entire materials on record along with the impugned FIR as well as the original investigation papers.

2. Considering the entire materials on record, it *prima facie* appears that since the victim was in love with the present applicant, she, on her own will and volition, had eloped with the present applicant. It also appears that on the day of incident, the victim herself had made a call to the applicant and stated that as per her School Leaving Certificate as well as the Adhar Card, her date of birth is 27.02.2006. She has also stated that

she wants to marry him. It appears that considering the aforesaid documents, on the basis of this fact, the present applicant got married with the victim on 29.10.2025 and the same was registered before the Office of Marriage Registration Officer, Udaipur, Rajasthan. It is the case of the prosecution that as per the birth certificate, the correct birth date of the victim is 13.06.2009. The Court has considered the provision of Section 17 of the Bharatiya Nyaya Sanhita, 2023.

3. In view of the aforesaid, issue **NOTICE** to the respondents, making it returnable on **10.04.2026**.

4. Learned APP Mr. Manan Maheta waives service of notice for and on behalf of respondent No.1 - State.

5. In the meantime, the investigation may continue, however, no coercive steps shall be taken against the present applicant-accused, till the next date of hearing.

6. The applicant is directed to co-operate with the investigation.

(VIMAL K. VYAS, J)

AMAR SINGH

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AMAR SINGH(HC01081), PRIVATE SECRETARY, at High Court of Gujarat on 18/03/2026 18:22:07