

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO. 1171
of 2026**

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VIRKUMAR S/O MUKESHBHAI RAMANBHAI GAMIT
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR. AASHEER PANDYA(14115) for the Applicant(s) No. 1
JAY MEHTA APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER**Date : 23/06/2026****ORAL ORDER**

Learned advocate Mr. Nachiketa Shrotriya states that he appears for Respondent No.2 – the original complainant. He is permitted to file his appearance.

1. Learned advocate Mr. Pandya for the applicant submits that as per the allegation made in the FIR, the applicant, who is aged 21 years, was having a love affair with the prosecutrix, aged 16 years 9 months and there was a physical relations and the victim has given birth of two kids. It is further submitted that when the hospital authority, where the child was born, has called the police due to minority of the age and that was resulted into the lodging of FIR. It is further submitted that, in fact, complainant never intended to lodge the FIR, as the victim and the applicant was

staying as a married couple. However, due to lacking of the age, the marriage could not be solemnized. It is submitted that the complainant has given no objection to the quashing of the FIR, as the marriage will be solemnized after the prosecutrix attains the age of majority.

2. This fact is supported by learned advocate Mr. Shrotriya appearing for respondent No. 2, in the presence of respondent No. 2, who is present before the Court and is identified by learned advocate Mr. Shrotriya. .

3. This Court has referred to the decision of the Hon'ble Apex Court in the case of **Mahesh Mukund Patel v. State of U.P.**, reported in **2025 SCC OnLine SC 614**.

Considering the above submissions, RULE.

Interim relief in terms of para 11d of this application be granted.

Registry is directed to list the matter in *seriatim*.

Vikramsinh Amarsinh

(M. K. THAKKER,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: VIKRAM SINGH(HCW0055), English Steno Grade II, at High Court of Gujarat on 24/06/2026 18:45:58