

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 1012 of 2024

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DIPAKBHAI JIVANBHAI SOLANKI

Versus

STATE OF GUJARAT

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Appearance:

MR AJ YAGNIK(1372) for the Applicant(s) No. 1,2

MR TUSHAR L CHAUHAN(12449) for the Applicant(s) No. 1,2

for the Respondent(s) No. 2,3

MR RONAK RAVAL, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 24/01/2024

ORAL ORDER

1. Heard learned advocates for the respective parties.
2. By way of this application under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “Cr.P.C.”), the applicant has prayed to quash and set aside the complaint being FIR No.11191006240011 of 2024 with Bodakdev Police Station, Ahmedabad for the offence punishable under Section 307, 323 and 114 of the Indian Penal Code, 1860 and Section 135(1) of the Gujarat Police Act and Sections 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, “**Atrocities Act**”) as well as all the consequential proceedings arising therefrom.
3. It appears that the complainant is involved in an extramarital affair with the husband of accused No.1, who is not a party before this Court. The complainant and the husband of accused No.1 once stayed at Hotel Royal Blue. Upon knowing about the arrival of the petitioners and accused No.1 at the hotel, the complainant and the husband of accused No.1 sought

refuge on the terrace of the hotel on the third floor. Failing to hide, the complainant jumped from the third floor, sustaining severe injuries, leading to the filing of the present petition.

4. It also appears that the petitioners belong to the scheduled caste, and they have submitted their caste certificate, as evidenced by Annexure-I. The caste certificate indicates their scheduled caste status, and prima facie, it seems that the provisions under the Atrocities Act may not be applicable in this case.

5. It appears from the record that earlier on the very day of the incident, a complaint was filed on 10.01.2024 being C.R. No.11191006240009 of 2024 with Bodakdev Police Station, Ahmedabad for the offence punishable under Section 323, 294(b) and 114 of the Indian Penal Code, 1860 by the accused No.1 against the respondent No.2 herein and her husband - Pareshbhai Prajapati.

6. In view of the above, **Rule returnable on 12.03.2024.** Learned APP waives service of notice of Rule for the respondent-State.

7. In the meantime, interim relief in terms of **para 9(B)** is granted till the next date of hearing.

Direct service is permitted.

(HASMUKH D. SUTHAR,J)

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