

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 5586 of 2026**

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JITENDRSINH @ HIREN @ BHAILUNATUBHAI PARMAR
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR JK PARMAR(587) for the Applicant(s) No. 1
NOTICE SERVED for the Respondent(s) No. 2
NOTICE UNSERVED for the Respondent(s) No. 3
MS. KRINA P. CALLA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 01/09/2026****ORDER**

1. Present Petition is preferred by the Petitioner (Original Accused) under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, seeking quashing of FIR No.11193018220676 of 2022 registered with Dhari Police Station, Amreli for the offences punishable under Sections 363, 376(2)(n), 376(3), 114 of the IPC and Sections 4, 6, 9(1), 17, 18 of the POCSO Act as well as all other consequential proceedings arising out of the said F.I.R.

2. Heard learned Advocate for the Petitioner and learned APP for the Respondent – State.

3. Though served, nobody appeared on behalf of the original complainant. Rule. Learned APP waives service of notice for and on behalf of the respondent – State.

4. Learned advocate appearing for the petitioner submits that the age of the victim at the time of registration of F.I.R. was 14 years and 11 months. However, thereafter she attained marriageable age and has performed marriage with the present petitioner and there was love affair between the petitioner and the prosecutrix. Learned advocate appearing for the petitioner submits to quash and set aside the impugned F.I.R. with all consequential proceedings. Learned Advocate for the Petitioner has submitted that the matter has been amicably settled between the parties and they are now not willing to proceed with the complaint any further.

5. Learned Additional Public Prosecutor opposed the present petition *inter-alia* contending that the Charge-sheet came to be filed in the year 2022 by the Investigating Agency and thereafter, the trial must have progressed. He, therefore, submitted to dismiss the present petition.

6. Heard learned advocates appearing for the respective parties. From the record it appears that after registration of the F.I.R., the petitioner and prosecutrix after attaining the marriageable age, has performed marriage and copy of the marriage certificate is also produced on record. It also appears from the record that there was love-affair between the present applicant and the prosecutrix and because of the same they eloped with each other.

7. Considering the aforesaid facts and the submissions made by the learned Advocates for the respective parties, the present Application deserves to be allowed and is hereby allowed. The

FIR No.11193018220676 of 2022 registered with Dhari Police Station, Amreli for the offences punishable under Sections 363, 376(2)(n), 376(3), 114 of the IPC and Sections 4, 6, 9(1), 17, 18 of the POCSO Act as well as all other consequential proceedings arising out of the said F.I.R. are hereby quashed and set aside qua the present Petitioner. Rule is made absolute. Direct service is permitted.

(M. R. MENGDEY,J)

NABILA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: NABILABANU MOHAMADNOOR PATNIJAMAT(HC00630), Private Secretary, at High Court of Gujarat on 03/09/2026 18:02:06