

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 2186 of 2021

KANAIALAL PANNALAL DAMOR

Versus

STATE OF GUJARAT

Appearance:

MR DHARMESH R PATEL(5592) for the Applicant(s) No. 1,2,3

for the Respondent(s) No. 2

MR MANAN MEHTA, APP for the Respondent(s) No. 1

CORAM: **HONOURABLE MR. JUSTICE B.N. KARIA****Date : 12/02/2021****ORAL ORDER**

By way of present application, the applicants have prayed to quash and set aside the FIR being C.R.No.11188012210005 of 2021 registered with Mahila Police Station, Modasa, Dist.: Arvalli for the offence punishable under Sections 498(A), 323, 504, 506(2) and 114 of the Indian Penal Code and have further prayed to stay further proceedings thereto.

Heard learned advocate for the applicants.

It is submitted by learned advocate for the applicants that marriage of respondent no.2 and present applicant no.1 has been solemnized in the year 1999 and from 1999 onwards, both have started residing with the family members of the applicants and one baby boy has been born during their wedlock who is aged 17 years. That applicant no.1 has filed Divorce Petition No.02 of 2020 before the learned Simalvada Court, Dungarpur, Dist.: Rajasthan. That

divorce petition has been filed on 21.12.2019, wherein summons has been served and after expiry of 13 months, on 19.01.2021, the impugned complaint came to be filed with *mala fide* intention and ulterior motive to pressurize the applicants to withdraw divorce petition. That looking to the allegations and averments made in the FIR, no offence has been committed as the allegations are general in nature involving all family members of applicant no.1.

Issue requires consideration.

Hence, Rule, returnable on 11.06.2021. Learned APP waives service of notice of Rule for and on behalf of the respondent-State.

No coercive steps shall be taken against present applicants till the returnable date.

The Investigating Officer may continue the investigation and the applicants shall cooperate the Investigating Officer in the investigation.

Registry is directed to send a copy of this order to the concerned Police Station through fax or email forthwith.

(B.N. KARIA, J)

rakesh/