

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 2394 of 2023**

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SAJID @ KALU NAKUM

Versus

STATE OF GUJARAT

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Appearance:

MS JAYSHREE ACHARYA(5160) for the Applicant(s) No. 1

MS. BHAVNA D ACHARYA(6406) for the Applicant(s) No. 1

for the Respondent(s) No. 2

MRS KRINA CALLA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA**Date : 02/02/2023****ORAL ORDER**

1. Heard Ms. Bhavna Acharya, learned advocate for the applicant.

2. This application is filed for quashing of FIR registered with Karjan Police Station, District: Vadodara Rural for the offences as mentioned in the FIR.

3. The incident in question took place on the day of Kite Festival. In such circumstances, prima-facie, it appears that, the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act having been wrongfully invoked by the complainant. Thus, the matter deserves consideration.

4. Let **Rule** be issued returnable on **18.04.2023**. Learned APP waives service of rule for the respondent-State.

Meanwhile, the applicant shall not be arrested so far offences of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are concerned.

It is open for the applicant to avail appropriate remedy for the offences punishable under Sections 323, 325, 504 and 114 of the IPC are concerned. The applicant is directed to cooperate with the investigation. Direct service is permitted.

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(ILESH J. VORA,J)