

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 3793 of 2023**

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ZAFIRBHAI IDRISHBHAI SAIYED

Versus

STATE OF GUJARAT

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Appearance:

MR MAKBUL I MANSURI(2694) for the Applicant(s) No. 1,2,3,4,5,6
for the Respondent(s) No. 2

MS MAITHILI MEHTA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA**Date : 20/02/2023****ORAL ORDER**

1. Heard Mr. Makbul Mansuri, learned advocate for the applicants.

2. Mr. Mansuri, learned advocate for the applicants, on instructions, does not press this application qua applicant no.1-husband.

Hence, the present application stands disposed of as not pressed qua applicant no.1-husband.

3. This application is filed for quashing of FIR registered with Surendranagar City "B" Division Police Station, Dist: Surendranagar for the offences as mentioned in the FIR.

4. The applicant no.4 is second wife and other applicants are in-laws of the respondent no.2. Prima-facie, it appears that,

due to second marriage of the husband as per their religion, his first wife has lodged an FIR implicating 6 family members including second wife in the alleged offence without there being any specific instances of harassment on their part. In such circumstances, this Court is of opinion that the matter deserves consideration.

5. Let **Rule** be issued returnable on **14.07.2023**. Learned APP waives service of rule for the respondent-State. Meanwhile, the investigating officer shall not file charge-sheet against the present applicants without prior permission of this Court and shall follow the guidelines issued by the Apex Court in case of '**Arnesh Kumar Vs. State of Bihar And Anr.** ' reported in **(2014) 8 SCC 273**.

TAUSIF SAIYED

(ILESH J. VORA,J)