

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (DOMESTIC VIOLENCE) NO. 3100
of 2025**

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MIT MAHENDRABHAI BHOJAIYA & ORS.
Versus
STATE OF GUJARAT & ANR.

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Appearance:
JIGNESHKUMAR M NAYAK(8558) for the Applicant(s) No. 1,2,3,4
MR MANAN MEHTA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**Date : 02/09/2025
ORAL ORDER**

1. Heard learned advocates for the respective parties.
2. Learned advocate does not press the application qua applicant No.1-Mit Mahendrabhai Bhojaiya.
3. The application stands disposed of as not press qua applicant No.1-Mit Mahendrabhai Bhojaiya .
4. By way of this application under Section 528 of the BNSS, the applicant has prayed to quash and set aside the impugned compliant being Criminal Misc. Application No.757 of 2024 filed by the respondent 2 before the learned 2nd Additional civil Judge & JMFC, Rajkot.
5. It appears that the marriage of petitioner No.1, who is not before this Court, was solemnized on 09.02.2020. Since the date of marriage, respondent No.2 started residing with the petitioners. The matrimonial life of respondent No.2 was going

smoothly, and no untoward incident was noted. However, after a period of about four years, respondent No.2 suddenly left the matrimonial home and, despite several efforts made by the petitioner, did not return. She thereafter filed an application under Section 125 of the Cr.P.C. However, Prima facie, it appears that the allegations made in the complaint are general in nature, and the only specific allegation against applicant Nos.2 and 4 is that they instigated the complainant's husband to subject her to mental and physical cruelty. Apart from this, no serious allegations have been levelled against the present applicants. It is also pertinent to note that the proceedings under Section 498A of the IPC initiated by respondent No.2 have already been stayed by a Coordinate Bench of this Court vide order dated 13.09.2023 passed in Special Criminal Application No.11602 of 2023.

6. In view of the above, the issue requires consideration. Hence, issue **RULE returnable on 25.11.2025 qua the applicant No.2 and 4.** Learned APP waives service of notice of Rule for the respondent-State.

7. Interim relief in terms of para 7(B) is granted qua the applicant No.2 and 4. Direct service is permitted.

(HASMUKH D. SUTHAR,J)

ALI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ISTAYAK ALI(HC01093), PRIVATE SECRETARY, at High Court of Gujarat on 02/09/2025 18:09:11