

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 5226 of 2022

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ABHAY BALUBHAI PARMAR (MER)

Versus

STATE OF GUJARAT

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Appearance:

MR ASHISH M DAGLI(2203) for the Applicant(s) No. 1

for the Respondent(s) No. 2

MR L B DABHI, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE A.S. SUPEHIA

Date : 05/04/2022

ORAL ORDER

1. **Notice** returnable on 13.06.2022. Learned APP waives service of notice for and on behalf of the respondent-State.

2. Learned advocate for the applicant has submitted that the applicant is a young aged boy, who intends to give examination for the post of PSI and it appears that attempt is made to ruin his entire career by the complainant with *mala fide* intention. He has submitted that *prima facie* ingredients to attract the offence under the Atrocity Act is not made. It is submitted that the impugned F.I.R. does not disclose that the respondent No.2 was intentionally insulted or intimidated by the accused with intent to humiliate and no basic ingredients of the offence punishable under the Atrocity Act have been made. In support of his submissions, he has placed reliance on the ratio laid down by the Apex Court

in the case of Gorige Pentaiah Vs. State of Andhra Pradesh, (2008) 12 S.C.C. 531.

3. In view of the facts and circumstances, no coercive steps shall be taken against the applicant-accused. The applicant-accused shall fully cooperate with the investigation. The Investigation to continue further. The applicant-accused shall remain present as and when summoned by the Investigating Officer. The Investigating Officer shall prepare a report/ draft-charge-sheet and produce it before this Court, after the investigation is over. In case, the applicant-accused does not cooperate with the investigation, it will be open for the Investigating Officer to invite the attention of the learned APP for such non-cooperation.

Sd/-
(A. S. SUPEHIA, J)

NVMEWADA