

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 5226 of 2022**

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ABHAY BALUBHAI PARMAR (MER)

Versus

STATE OF GUJARAT & ANR.

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Appearance:

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

KEVAL H MAHARAJA(9062) for the Respondent(s) No. 2

MR KRUTIK PARIKH ADDITIONAL PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI**Date : 19/08/2025****ORAL ORDER**

1. When the matter was called out, learned advocate Mr. Keval Maharaja appearing for respondent No.2 was absent. Hence, the Court has heard learned advocate Mr. Abhishek Khuman for learned advocate Mr. Ashish Dagli appearing for the applicant, and learned APP Mr. Krutik Parikh appearing for respondent No.1 – State.

2. The Co-ordinate Bench of this Court, vide order dated 05.04.2022, while issuing notice, passed

the following 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."

3.Today, when the matter was called out, nothing could be pointed out by the learned APP from the record to indicate that the present applicant is either not cooperating or that there is any additional material against the present applicant. In view of the above, the issue requires consideration. Hence, Rule. Learned APP waives service of Rule on behalf of respondent No.1. Direct service through the concerned police station upon respondent No.2 is permitted. In the meantime, there shall be interim relief in terms of paragraph No.16(C)."

(NIRZAR S. DESAI,J)

Pallavi

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PALLAVIBEN PRABHUDAS PANCHAL(HC01403), PRIVATE SECRETARY, at High Court of Gujarat on 20/08/2025 14:43:50