

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 5067 of 2026

=====

ASHOKBHAI MULJIBHAI PATEL
Versus
STATE OF GUJARAT & ANR.

=====

Appearance:

MR.ALOK M THAKKAR(6510) for the Applicant(s) No. 1

MR MOUSAM R YAGNIK(3689) for the Respondent(s) No. 2

MR MEET THAKKAR, PUBLIC PROSECUTOR for the Respondent(s) No. 1

=====

CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER

Date : 16/07/2026

ORAL ORDER

1. Learned advocate for the applicant submitted that, as per the allegations made in the FIR, the present applicant has circulated literature, which is printed and which malign the image of the complainant, her sister-in-law and the husband of her sister-in-law. It was submitted that the charge-sheet is filed under Section 75(3) of the Bhartiya Nyay Sanhita, 2023, which provides that any man committing the offence of showing pornographic material against the will of a woman shall be guilty for the offence of sexual harassment. It was submitted that, even if, the allegations made in the impugned FIR as well as in the charge-sheet are accepted as it is, then also, circulation of literature would not satisfy the ingredients of Section 73(3) of the BNS and in that background the continuation of the proceedings would amount to abuse of the process of law.

2. As against that, learned advocate, Mr. Yagnik, appearing for Respondent No.2 submitted that the present applicant had given an apology letter, confessing his offence. In that background, mere faulty investigation and faulty charge-sheet would not absolve the applicant from the criminal liability.

3. Considering the above submissions, **Rule**, returnable on **2nd November, 2026**.

3.1 As the ingredients of Section 75(3) of the BNS, for which the charge-sheet is filed, are not satisfied *ad-interim* relief in terms of **Paragraph-7C**.

UMESH/-

(M. K. THAKKER,J)