

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 3294 of 2025**

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ANILBHAI AMRABHAI ROHIT

Versus

STATE OF GUJARAT & ORS.

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Appearance:

SUBODH KUMUD(10133) for the Applicant(s) No. 1

MS. SHRUTI PATHAK, LD. ADDL. PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE DIVYESH A. JOSHI**Date : 05/03/2025****ORAL ORDER**

Learned advocate Mr. Subodh Kumud appearing for the applicant submits that the impugned FIR came to be lodged against total three known and other unknown persons, wherein the applicant herein has been shown as accused No.2. He further submits that looking to the allegations made in the FIR, it appears that the offences as enumerated in the body of the FIR are non-cognizable offences, and as such, the same is barred by Section 174 of the BNS, which provides that before registration of the FIR, the informant has to be referred to the concerned Magistrate, however, in the case on hand, the informant has not been referred to the Magistrate nor any order of the Magistrate has been obtained before filing of the complaint, and as such, the same is required to be quashed.

Considering the above, issue notice, making it returnable on 28.04.2025. Learned APP waives service of notice for and

on behalf of the State-respondents.

Till then, there shall be no coercive steps against the applicant.

Direct service is permitted.

(DIVYESH A. JOSHI,J)

VAHID

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ABDULVAHID ABDULSATTAR SHAIKH(HC00955), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 07/03/2025 10:38:04