

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 5823 of 2021**

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MOHAMMEDZAID IBRAHIM SAIYED
Versus
STATE OF GUJARAT

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Appearance:

MR SAMIR B GOGDA(11306) for the Applicant(s) No. 1

RAJVI N PATEL(9620) for the Applicant(s) No. 1

for the Respondent(s) No. 2

MS MONALI BHATT, APP for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR. JUSTICE B.N. KARIA**

Date : 05/04/2021**ORAL ORDER**

By way of present application, the applicant has prayed to quash and set aside the FIR being CR No. I-73 of 2021 (11191028210274 of 2021) registered with Vejalpur, for the offence punishable under Sections 498A, 323, 294, 506(2) and 114 of Indian Penal Code and further prayed to stay the further proceedings thereof till final disposal of this application.

Heard learned advocate for the applicant.

It was submitted by learned advocate for the applicant that previously different FIRs have been filed by the respondent no.2 against the present applicant with malafide intention to

harass the applicant and succumb to the demands of the complainant as per her whims. That, this court in Criminal Misc. Application No. 16289 of 2018 as well as Criminal Misc. Application No. 19691 of 2019 has issued directions of not to take any coercive actions against the present applicant. That, basic ingredients of Section 498A of IPC are absent in the present case in absence of any direct allegation of cruelty on the complainant by the applicant but mere vague allegations of cruelty without pointing out specific instance.

Issue requires consideration.

Notice returnable on 3rd May 2021. Learned APP waives service of notice for and on behalf of the respondent No.1- State.

K. S. DARJI

(B.N. KARIA, J)