

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 6179 of 2021**

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SOLANKI DILIPSINH RUPSINH

Versus

STATE OF GUJARAT

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Appearance:

MR PRADIP J PATEL(5896) for the Applicant(s) No.

1,10,11,12,13,14,15,16,17,2,3,4,5,6,7,8,9

for the Respondent(s) No. 2

Ms. Monali Bhatt, APP (2) for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR. JUSTICE B.N. KARIA****Date : 15/04/2021****ORAL ORDER**

Learned advocate for the applicants submits that the applicants do not press this petition qua the offence u/s. 323, 504, 506(2), 341, 427, 114 of the IPC as well as u/s. 135 of G.P.Act.

Permission as prayed for stands granted. This application stands disposed of as not pressed qua the offence u/s. 323, 504, 506(2), 341, 427, 114 of the IPC as well as u/s. 135 of G.P.Act.

By way of present application, the applicants have prayed to quash and set aside the FIR being CR No. 11207061210142 of 2021 registered with Shahera Police Station, Dist. Panchmahal for the offence punishable under Sections 3(1)(r),

3(1)(s), 3(2)(V-a) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and further prayed to stay the further proceedings thereof till final disposal of this application.

Heard learned advocate for the applicants.

Having considered the arguments advanced by learned advocate for the applicants and consent of the complainant, it appears that previously, the applicant No.1 has filed compliant in connection with the same offence on the very same day i.e. CR.No. 1120706121013 of 2021 under Sections 143, 147, 148, 149, 504, 506(2), 323, 395, 427 of IPC and u/s. 135 of G.P.Act. That, the basic ingredients of the offence under the provision of Atrocities Act are not made out from the plain reading of the FIR. In support of his arguments, learned advocate for the applicants has relied upon the judgment of the Apex Court rendered in case of **Hitesh Verma Vs. State of Uttarakhand & ors.** reported in **2020(O) AIJEL-SC-66664**. That, the name of the present applicants are not disclosed in the impugned complaint.

Issue requires consideration.

Notice returnable on 8.7.2021. Learned APP waives service of notice for and on behalf of the respondent No.1-State.

No coercive actions shall be taken against the present applicants by the Investigating Officer till returnable date qua the offence punishable under Sections 3(1)(r), 3(1)(s), 3(2)(V-a) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. Investigating Officer may continue the Investigation and applicants shall cooperate the investigating officer in the investigation.

Registry is directed to send a copy of this order to the concerned Police Station through Fax or Email forthwith.

BEENA SHAH

(B.N. KARIA, J)