

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 4031 of 2023**

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MEHULBHAI BABUBHAI BHUVA

Versus

STATE OF GUJARAT

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Appearance:

MR SHAHEED S SHAIKH(11787) for the Applicant(s) No. 1,2,3

for the Respondent(s) No. 2

MR KM ANTANI, Addl. PUBLIC PROSECUTOR for the Respondent(s) No.

1

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CORAM:HONOURABLE MR. JUSTICE J. C. DOSHI**Date : 19/10/2023****ORAL ORDER QUA PETITIONER HUSBAND**

Learned advocate for the petitioners seeks permission to withdraw present petition qua petitioner husband. Permission granted. Accordingly, present petition stands disposed of as withdrawn qua petitioner husband. The investigating officer is at liberty to carry the investigation qua petitioner husband and shall also be entitled to file police report or charge sheet, as the case may be.

ORAL ORDER QUA OTHER PETITIONER

What appears from reading of the FIR that martial discord has given rise to filing of FIR. All the family members are implicated in the FIR and allegations are levelled against them including allegation of demanding dowry. Further it appears that

allegations are general in nature. The petition deserves consideration.

3. **Rule** returnable on 18.1.2024. Learned APP waives service of rule on behalf of respondent – State. Concerned Investigating Officer is permitted to continue investigation of the offence. However, Investigating Officer shall not file charge sheet against the present petitioners without prior permission of this Court. The Investigating Officer shall follow the directions issued in the case of **Arnesh Kumar v/s. State of Bihar [(2003 (8) SCC 273]** reiterated in the case of **Md. Asfak Alam Vs. The State of Jharkhand and another** reported in 2023 INSC 660 and pursuant to which, **Circular No.C.2703/81** issued by this Court. It is made clear that in case of difficulty, respondents may seek early hearing of the petition.

SHEKHAR P. BARVE

(J. C. DOSHI,J)