

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 7355 of 2021**

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KOMAL DEVENBHAI RAVAL

Versus

STATE OF GUJARAT

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Appearance:

MR HARDIKKUMAR D RAO(8174) for the Applicant(s) No. 1

MR VATSAL S PARIKH(7452) for the Applicant(s) No. 1

for the Respondent(s) No. 2

MR L B DABHI, ADDITIONAL PUBLIC PROSECUTOR (2) for
the Respondent(s) No. 1

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CORAM: **HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI****Date : 14/06/2021****ORAL ORDER**

Learned advocate Mr. Vatsal S. Parikh has received instructions to appear on behalf of the applicant in place of learned advocate Mr. H.N. Sevak. He further submitted that he has already filed his vakilatnama in the registry.

Learned advocate Mr. Vatsal Parikh has submitted that the present applicant is original accused No.5 and she is not the relative of the complainant and/or the husband of the complainant-original accused No.1. It is submitted that as per the allegations leveled in the FIR, the applicant is having relation with the original accused No.1-husband of the complainant. It is submitted that ingredients of the alleged offence prima-facie are not made out so far as the present

applicant is concerned. Learned advocate has placed reliance upon the decision rendered by the Hon'ble Supreme Court in case of **Vijeta Gajara Versus State of NCT of Delhi** reported in **AIR 2010 SC 2712**. Learned advocate has also placed reliance upon decision of this Court dated 04.12.2014 passed in Criminal Misc. Application No.7344 of 2014. Copy of the said order is placed on record at page No.25 of the compilation. Thus, it is urged that impugned FIR is nothing but an abuse of process of court so far as the present applicant is concerned and the issue involved in the present application is covered by the aforesaid two decisions.

In view of the aforesaid submissions, issue **Notice** to the respondents returnable on **7th September, 2021**. Till the next date of hearing, it is open for the investigating agency to proceed with the investigation, however, charge-sheet shall not be filed qua applicant without prior permission of this Court.

(VIPUL M. PANCHOLI, J)

Pallavi