

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 7588 of 2022**

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DHRUMIT PRAVINBHAI SOLANKI

Versus

STATE OF GUJARAT

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Appearance:

GIRISH K PATEL(2770) for the Applicant(s) No. 1

NOTICE SERVED for the Respondent(s) No. 2

MS CHETNA SHAH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA**Date : 19/01/2024****ORAL ORDER**

1. Heard Mr. Girish Patel, learned advocate for the applicant and Ms. Chetna Shah, learned APP for the respondent-State. Though served, the private respondent-original informant has chosen not to appear before this Court.

2. The applicant herein is facing prosecution for the offence punishable under Section 376 of the IPC. Pursuant to the FIR of the said offence, chargesheet came to be filed on 20.12.2021 in the present case. It is submitted that, the victim had invited the applicant at hotel and thereafter, with oblique motive, she had filed the complaint. In these background facts, Mr. Patel, learned advocate for the applicant submitted that, the victim was in habit to put false information on matrimonial site and always used to misuse it for filing of criminal prosecution and this is nothing but an extortion on her part. In support of his contention, learned advocate for the applicant is relying on two

private complaints filed by different persons who were victimized by the victim.

3. Considering the peculiar facts and circumstances of the case, this Court is of view that the matter deserves consideration.

4. Let **Rule** be issued returnable on **02.04.2024**. Learned APP waives service of rule for the respondent-State. Meanwhile, there shall be no further proceedings against the present applicant with respect to Criminal Case No.196 of 2022 pending before 2nd Additional Sessions Judge, Gandhinagar till further orders.

TAUSIF SAIYED

(ILESH J. VORA,J)