

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO. 9195
of 2026

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VIKTARBHAI S/O. JONBHAI SHELAT
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR. KAUSHAL N DAVE(13999) for the Applicant(s) No. 1
MR. RONAK RAVAL, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MRS. JUSTICE M. K. THAKKER

Date : 06/05/2026

ORAL ORDER

1. This Court has passed following order on 21.04.2026.

"At the request of learned advocate Ms. Vaibhavi Raval for the learned advocate Mr. Kaushal Dave, the matter is adjourned to 28.04.2026 as the complainant is having some difficulty to remain present today in the consent quashing matter."

2. Though called out twice, learned advocate Mr. K. N. Dave for the applicant is absent.

3. The present application is filed under Section 528 of the BNSS, 2023, for quashing the FIR registered with Ramol Police Station, Ahmedabad City, dated 12.12.2025 for the offence punishable under Sections 75(1)(i) of BNS Act and Sections 7, 8 of the POCSO Act being I-CR No.11191024251473 of 2025.

4. Referring the averments made in the application, it emerges that this application is filed on the ground of consent of the complainant for quashing. Upon referring the allegations made in the chargesheet, which is reproduced hereinbelow:

"Offence : Mrs. Manishaben, w/o Rakeshbhai Kantibhai

Prajapati, aged around 33 years, occupation - homemaker, resident of H. N. A/204, Sahajgreen, near Adani Circle, Ramol Ring Road, Ahmedabad is the complainant of the case under Sections 75(1)(1) of the Bharatiya Nyaya Samhita, 2023 and Sections 7, 8 of the POCSO Act. As per the complaint, on 02/12/2025, around nine o'clock in the morning, the complainant's minor daughter, Vaidehi, aged 7 years 6 months and 26 days (Date of birth - 16/05/2018) was returning to home in a lift of "A" block after buying milk. At that time the accused, mentioned in column No. 1, Victorbhai Jhonbhai Selat (Christian), aged 34 years, committed a crime in the lift of Block-A by fondling his hand on the chest of the victim girl, Vaidehi, daughter of the complainant, by groping her and molesting the victim etc."

5. As per the chargesheet, it transpires that the victim is aged around 7 years 6 months, and the applicant is 34 years, who committed an immoral act with the victim. Considering the allegations, it cannot be said that there is no cognizable offence made out against the present applicant. In that background, even if consent is given by the complainant, however, allegations which are serious in nature having large effect on the society is required to be put to logical end. Therefore, this Court deems it fit not to interfere with the investigation while exercising the inherent power under Section 482 of Cr.P.C.

6. Resultantly, the present application is dismissed.

(M. K. THAKKER,J)

AMIT ITALIAN