

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION NO. 5854 of 2022**

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MUKESH DEVARAM CHAUDHARY @ MUKESH BHAI DEVABHAI PATEL
Versus
STATE OF GUJARAT

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Appearance:

for the Respondent(s) No. 2,3,4

MR DHRUV TOLIYA(9249) for the Respondent(s) No. 3

MR PRANAV TRIVEDI, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIRAL R. MEHTA

Date : 14/06/2022

ORAL ORDER

[1] I have heard Mr. Dhruv Toliya, learned advocate for the applicants.

[2] Mr. Toliya, learned advocate for the applicants pointed out that the applicant No.1 and Ms. Hetal Hemabhai Patel i.e. so-called victim got married on 7th April 2022. The learned advocate for the applicants submitted that the said love marriage not liked by the family members of the girl and for this reason, the impugned F.I.R. dated 11th April 2022 came to be lodged post registration of the marriage of the applicant No.1 and so-called victim.

[3] Considering the aforesaid contentions, *prima facie*, the offence alleged under Section 366 of the Indian Penal Code i.e. the principal offence of the F.I.R. is not made out.

[4] Let Notice be issued for final disposal to the respondents, returnable on 21st July 2022. Mr. Pranav Trivedi, learned A.P.P. waives service of notice for and on behalf of the respondent No.1 – State of Gujarat. Direct service is permitted.

[5] In the meantime, the police may investigate the matter. However, so far as the presence of the applicants are concerned for the recording of the evidence, etc, in that case, if any application is filed by the applicants before the police authorities seeking *inter alia* protection, the police authority shall treat that application very seriously and if need be, proper safeguards be taken so that no untoward incident shall happen.

[6] It is further directed that upon conclusion of investigation, the police shall not file chargesheet without prior permission of this Court.

CHANDRESH

(NIRAL R. MEHTA,J)