

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 11292 of 2024**

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RAMILABEN JAGDISHCHANDRA ASARI & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

**MR KEVAL G BRAHMBHATT (BAROT)(9900) for the
Applicant(s) No. 1,2,3,4,5,6**

for the Respondent(s) No. 2

**MR BHARGAV PANDYA ADDITIONAL PUBLIC PROSECUTOR for
the Respondent(s) No. 1**

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 21/06/2024

ORAL ORDER

1.Heard learned advocate Mr. Keval G. Brahmbhatt
appearing for the applicants.

2.Learned advocate Mr. Keval Brahmbhatt appearing
for the applicants states that the dispute is
between husband and wife, arising out of some
matrimonial reasons, for which present FIR is
filed just to harass the applicants.

3.Learned advocate Mr. Keval Brahmbhatt states

that as far as the applicant No.6 is concerned, he has instructions not to press this application qua applicant No.6. Hence, the present application stands disposed of as not pressed qua applicant No.6.

4. For rest of the applicants, learned advocate Mr. Keval Brahmbhatt states that the allegation against them are of general in nature and they are the in-laws of the first informant. It was also submitted by learned advocate Mr. Keval Brahmbhatt that all the applicants No.1 to 5 are residing separately and considering the nature of allegations against them, which are of general in nature as well as no specific date or details are given in the FIR, the FIR qua present applicants No.1 to 5 is nothing but abuse and misused of process of law and therefore, they may be protected against such misused and abuse of process of law.

5. Upon perusal of FIR, I found that though there are allegations against applicants No.1 to 5,

those allegations are of general in nature and the incident mentioned in the FIR does not even state as to when such incident has taken place. Considering the aforesaid aspect, prima-facie, it seems that the present FIR qua applicants No.1 to 5 is preferred just to misused the process of law. Accordingly, issue **NOTICE** to the respondents making it returnable on **31.7.2024**.

6. In the meantime, there shall be ad-interim relief in terms of paragraph No.15[C] qua present applicants only. Direct service through concerned Police Station is permitted.

(NIRZAR S. DESAI,J)

Pallavi