

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO.7521 of 2024

With

R/SPECIAL CRIMINAL APPLICATION NO.7683 of 2024

With

R/SPECIAL CRIMINAL APPLICATION NO.7531 of 2024

=====

HIMANSHU KISHORKUMAR BHATT THROUG POA BHATT ATULKUMAR
NATVARLAL

Versus

STATE OF GUJARAT & ANR.

=====

Appearance :MR N. D. NANAVATY, SENIOR COUNSEL WITH MR YASH J PATEL for the
Applicants.

IN PERSON for the Respondent No.2.

MS MAITHILI MEHTA, APP for the Respondent No.1.

=====

CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 28/06/2024

COMMON ORAL ORDER

1. I have heard Mr. N. D. Nanavaty, learned Senior Counsel assisted by Mr. Yash J. Patel appearing for the applicant in all three petitions as well as Ms. Maithili Mehta, learned Additional Public Prosecutor appearing for respondent No.1 and Ms. Krupaben w/o. Himanshu Kishorkumar Bhatt who is personally present in the Court with her father Mr. Pancholi who is a Retd. DSP and made submissions.

2. The applicants happen to be husband, father-in-law and mother-in-law of the first informant. Considering the fact that the impugned FIR arises out of matrimonial dispute as well as some of the allegations made in the impugned FIR are *prima facie* of the nature of child abuse which are *prima facie* of not in good taste, instead of narrating the submissions made at length by the

respective parties including the first informant who is personally present in the Court along with her father Mr. Pancholi who is a Retd. DSP and considering the nature of allegations made in the impugned FIR and considering the fact that the husband is at present at United States of America on work permit and father-in-law and mother-in-law are also at United States of America on Tourist Visa as well as considering the marriage span between the husband and wife of 14 years and considering the fact that some of the allegations made in the FIR relates back to the year 2010 - 11 onwards for which impugned FIR is registered in the month of February 2024, this Court is *prima facie* of the view that the interest of justice would be served if the investigation is directed to go on and if some material is found against the applicants, the Investigating Officer is also permitted to file Charge-sheet as well, but in the meantime, there may not be any coercive steps against the applicants including arrest of the applicants.

3. In view of that, **issue notice to the respondents returnable on 27.8.2024**. Learned Additional Public Prosecutor waives service of notice on behalf of respondent No.1 - State. In the meantime, as stated above, investigation may go on and if required, charge-sheet is also permitted to be filed by the Investigating Officer, but there shall not be any coercive steps against the applicants including arrest of the applicants.

Direct service to respondent No.2 through concerned Police Station is permitted.

(NIRZAR S. DESAI,J)

SAVARIYA