

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 9064 of 2025**

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MULJIBHAI BADHABHAI DAFDA

Versus

STATE OF GUJARAT

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Appearance:

MR MAHESH K POOJARA(5879) for the Applicant(s) No. 1

MR.KISHAN PRAJAPATI(7074) for the Applicant(s) No. 1

MR MANAN MEHTA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR****Date : 02/07/2025****ORAL ORDER**

1. The petitioner has preferred this petition Article 226 / 227 of the Constitution of India read with Section 528 of BNSS, the petitioner has prayed for quashing and setting aside the adverse remarks passed against the petitioner by Id. 3rd Special POCSO Judge, Dhari at Amreli, in Special POCSO Case Nos. 40/2022 and 30/2019, particularly in para Nos.27.1 to 27.3 and operative para No.7 of the judgment.

2. Heard Mr. Mahesh Poojara, learned counsel for the petitioner and Mr. Manan Mehta, Id. APP for the respondent state.

3. Learned counsel for the petitioner submits that, the petitioner was witness and happens to be uncle of the victim. While pronouncement of the judgment, learned Special Judge has made certain observations in para Nos.27.1 to 27.3 and copy of the judgment has been sent to the police authority for onward compliance. During pendency of the proceedings, by way of consent quashing, proceedings against accused No.3 was quashed against whom the complaint was lodged and his involvement was found during the investigation. He has submitted that, the victim became pregnant and subsequently, pregnancy came to be terminated by order of this Court. Merely, present petitioner has forced the complainant to lodge the

complaint against accused No.3, he is facing the proceedings. Therefore, he has prayed to quash the observations made against the petitioner.

4. Considering the facts of the case, petition deserves consideration. **Rule**, returnable on **26.08.2025**. Ld. APP waives Rule for the respondent State. Meanwhile, **interim relief in terms of para 8 (C)** is granted.

(HASMUKH D. SUTHAR,J)

SUCHIT