

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 16562 of 2020**

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SOHAM DEEPAKKUMAR ACHARYA

Versus

STATE OF GUJARAT

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Appearance:

MR APURVA JANI FOR MR ASHISH M DAGLI(2203) for the Applicant(s) No.
1,2,3,4

for the Respondent(s) No. 2

MR PRANAV TRIVEDI, ADDL. PUBLIC PROSECUTOR(2) for the
Respondent(s) No. 1

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CORAM: **HONOURABLE MS. JUSTICE GITA GOPI****Date : 04/11/2020****ORAL ORDER**

1. Mr. Apurva Jani, learned advocate for the applicants, submitted that a false complaint came to be filed against all the family members after a gross and unexplained delay of about four years. It was submitted that under a compromise that was arrived at in the year 2016, the original complainant had begun to reside separately from her matrimonial house. It was submitted that the applicant No.2 herein, who is the mother-in-law of the original complainant, had moved a complaint before the police, in pursuance of which the statement of the complainant came to be recorded on 09.03.2016 and thereafter, the complainant began to reside separately from her matrimonial home. It is contended that the allegation against the applicant-husband relates back to 09.03.2016, which does not corroborate the statement given by the complainant before the police on the very same day. The above facts, prima facie, show that the

allegations made against the applicants are false, frivolous and have been made with an ulterior motive.

2. Considering the facts and circumstances of the case and the submissions advanced by the learned advocate for the applicants, **issue Rule, returnable on 17.12.2020.**

In the meantime, the respondents are restrained from initiating any coercive steps against the applicants; however, there shall be no stay on the investigation.

Learned Additional Public Prosecutor waives service of notice of rule on behalf of the respondent State.

(GITA GOPI,J)

Pallavi