

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 10283 of 2025**

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JAVED YASINBHAI KUKDAWALA & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MS DIPMALA S DESAI(6596) for the Applicant(s) No. 1,2,3,4,5

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

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 05/08/2025**ORAL ORDER**

Heard learned advocate appearing for the petitioners and learned APP for respondent No.1 – State of Gujarat.

At the outset, learned advocate for the petitioners, upon instructions, does not press the present petition *qua* petitioner No.1 – husband and hence, present petition is disposed of as not pressed *qua* petitioner No.1 – Javed Yasinbhai Kukdawala and is being considered *qua* petitioner Nos.2 to 5 only.

By way of present petition under Article 226 of the Constitution of India read with Section 528 of the BNSS, the petitioners have sought quashing of the FIR being CR No.11191021250168 of 2025 registered with Gaekwad Haveli Police Station, Ahmedabad City filed at the instance of respondent No.2 herein – original complainant for the offences under Sections 115(2), 85, 296(b) and 54 of the Bharatiya Nyaya Sanhita, 2023.

Perusing the record it appears that petitioner No.2 is father in law and petitioner Nos.3, 4 and 5 are brothers in law of respondent No.2 and marriage span between petitioner No.1 and respondent No.2 is of 10 years and general and vague allegations have been made that petitioner Nos.2 to 5 used to taunt respondent No.2.

Considering the aforesaid fact and the law laid down by the Hon'ble Supreme Court in the case of **Preeti Gupta and another vs. State of Jharkhand and another [(2010) 7 SCC 667]**; **Achin Gupta vs. State of Haryana** reported in **2024 INSC 369**; **Geeta Mehrotra and Anr. vs. State of Uttar Pradesh & Anr.** reported in **(2012)10 SCC 741**; **Kahkashan Kauar @ Sonam & Ors. vs. State of Bihar and Ors.** reported in **2022 LiveLaw (SC) 141** and **Mahalakshmi & Ors. vs. The State of Karnataka & Anr.** reported in **2023 INSC 1050**, petition deserves consideration.

Hence, **RULE** returnable on **13.10.2025**.

Learned APP waives service of notice of Rule for and on behalf of the respondent No.1 – State of Gujarat.

Respondent No.2 to be served through the concerned police station.

In the meantime, there shall be **interim relief** in terms of **paragraph No.15(B)** of the petition.

Direct service is permitted.

(HASMUKH D. SUTHAR, J.)

Ajay