

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO.
10931 of 2025

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ANILKUMAR TRILOKI SARAN MITTAL & ANR.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MAULIK H VAGHELA(7810) for the Applicant(s) No. 1,2

MR PRATHAM P JOSHI(12796) for the Applicant(s) No. 1

APP MR TIRTHRAJ PANDYA for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 21/08/2025

ORAL ORDER

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

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 Domestic Violence Application being Criminal Misc. Application No.1641 of 2024 pending in the Court of learned Chief Judicial Magistrate, Gandhinagar filed under Sections 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005.

Perusing the record it appears that petitioner No.1 is father in law and petitioner No.2 is mother in law of respondent No.2 and marriage span between petitioner No.1 and respondent No.2 is of 5 years and general and vague allegations have been made that petitioners used to force respondent No.2 for divorce. Even, an FIR

for the offence under Section 498A and allied offences has been registered by respondent No.2 against the petitioners with Adalaj Police, District Gandhinagar.

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 **09.10.2025**.

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.6(B)** of the petition *qua* the present petitioners only.

Direct service is permitted.

(HASMUKH D. SUTHAR, J.)

Kaushal Rathod