

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION NO. 9459 of 2022**

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PUSHPENDRAKUMAR SURESHBHAI SOLANKI
Versus
STATE OF GUJARAT

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Appearance:

RONITH JOY(9560) for the Applicant(s) No. 1,2,3,4,5,6

for the Respondent(s) No. 2

MS MOXA THAKKAR, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIRAL R. MEHTA

Date : 29/09/2022**ORAL ORDER**

[1] Mr. Ronith Joy, learned advocate for the petitioners does not press the present petition qua the petitioner No.1 – Pushpendrakumar Sureshbhai Solanki. The present petition is disposed of as not pressed qua the petitioner No.1.

[2] Mr. Joy submitted that the dispute between the accused No.1 and the respondent No.2 arose and thereby, the respondent No.2 left her matrimonial house and started living with her parents. Mr. Joy submitted that the accused No.1 sent a notice dated 19th February 2022 under the provisions of Section 9 of the Hindu Marriage Act to the respondent No.2. The same notice came to be replied by the respondent No.2 on 4th March 2022, wherein, according to Mr. Joy, learned advocate, no allegation whatsoever was made in particular about dowry against the petitioners. Mr. Joy further pointed out that thereafter, the respondent No.2 approached the Mahila Police Station at Mahesana by

way of a written complaint and pursuant thereto, the accused No.1 was being called. However, the respondent No.2, vide statement dated 22nd June 2022, did not press the said complaint with a view to initiate appropriate proceedings at the Bechraji Police Station. Mr. Joy, thereafter, submitted that after almost a period of two months, the impugned F.I.R. came to be lodged against the petitioners levelling general and vague allegations with a view to create pressure on the entire family. According to Mr. Joy, the institution of an F.I.R. is nothing, but a sheer abuse of the process of law.

[3] In view of the aforesaid submissions of the learned advocate for the petitioners, let Notice be issued to the respondents, returnable on 27th March 2023. Ms. Moxa Thakkar, learned A.P.P. waives service of notice for and on behalf of the respondent No.1 – State of Gujarat. Direct service through the concerned police station is permitted.

[4] In the meantime, there shall be no arrest of the petitioners Nos.2 to 6 on the condition that the petitioners Nos.2 to 6 shall cooperate with the investigation and the Investigating Agency may continue with the investigation and shall not file chargesheet without prior permission of this Court.

CHANDRESH

(NIRAL R. MEHTA,J)