

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 11284
of 2025**

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VIJENDRASINH @ SANJAY RAMSINH RATHOD
Versus
STATE OF GUJARAT & ANR.

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Appearance:

FOUZAN N SONIWALA(8442) for the Applicant(s) No. 1
MR. TAUKIR M MANDLI(17048) for the Applicant(s) No. 1
MS DHWANI TRIPATHIA, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 13/08/2025
ORAL ORDER

- 1) By way of present petition under Articles 226 and 227 of the Constitution of India and under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner has prayed to quash and set aside the FIR being **CR No.11216005250396 of 2025** registered with **Dehgam Police Station, District Gandhinagar** for the offence punishable under **Sections 64(2)(m) and 351(3) of the Bharatiya Nyaya Sanhita**.
- 2) Learned Advocate for the petitioner has submitted that the impugned incident took place in the year 2024, whereas, the complaint is filed belatedly more than six months. The complainant and petitioner were in consensual relationship and the complainant is major. As on 25.10.2024 the petitioner and complainant bought caught red handed by the family members and husband of the complainant and altercation took place. After the said incident a complaint came to be lodged by the petitioner against the husband of the complainant and others being FIR No.11191007240562 of 2024, registered with Bapunagar Police Station, Ahmedabad City. Upon completion of investigation

charge-sheet was filed, wherein, the complainant is cited as witness. The impugned incident took place belatedly and no explanation is given regarding delay and no offence of rape is committed.

- 3) Heard the learned Advocate for the petitioner and learned APP for the respondent – State.
- 4) Prior to lodgment of the impugned complaint, one complaint was lodged by the petitioner against the family members and husband of the complainant, wherein, upon completion of investigation charge-sheet came to be filed on 24.05.2025. The said complaint was lodged on 25.10.2024 i.e. on the same day of the said incident and the complainant is cited as witness. Whereas, the impugned FIR is filed for the occurrence of offence from 01.01.2024 to 25.10.2024, belatedly after more than 6 months. In view of the above facts, petition deserves consideration.
- 5) **RULE** returnable on **13.10.2025**.

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

Respondent No.2 to be served through the concerned police station.
- 6) There shall be **interim relief** in terms of **paragraph No.11(b)** of the petition.
- 7) Direct service is permitted.

ANKIT

(HASMUKH D. SUTHAR,J)