

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 5480 of 2017**

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IMTIYAZALI SAIYADALI SAIYAD....Applicant(s)

Versus

STATE OF GUJARAT & 1....Respondent(s)

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Appearance:

DARSHIT R BRAHMBHATT, ADVOCATE for the Applicant(s) No. 1

MR LB DABHI, LD.ADDL.PUBLIC PROSECUTOR for the Respondent No. 1

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CORAM: **HONOURABLE MR.JUSTICE A.J.DESAI**

Date : 21/07/2017

ORAL ORDER

1. Mr.Darshit Brahmbhatt, learned advocate appearing for the applicant states that the FIR in question came to be filed by the maternal uncle of the prosecutrix on 25/03/1999. It is the case of the petitioner that niece of the complainant is residing with him since last more than 15 years and she has filed Affidavit in support of this petition, which reads as under:

“I, Meenaben d/o Somabhai Gohil aged- 32 years, residing at Balasinor, aged- 32 years, residing at Balasinor, District Mahisagar, the victim of I-C.R.No.88 of 1999 registered before Padara Police Station herein, do hereby solemnly affirm and state on oath that:-

1. I state and submit that, I am the victim of FIR on hand being I-C.R.No.88 of 1999 registered before Padara Police Station on dated 25.03.1999 for the offences punishable under section 363, 366 and 114 of the IPC.

2. I state and submit that, my Mama name Kantibhai Parmar had given complaint before Padara Police Station that the petitioner herein had on dated 25.03.1999 kidnap me, but I want to submit that, I and the petitioner – Imtiyazali were in love with each other but we both belong to different religion hence my family members were not happy with our relation hence on 25.03.1999 I voluntarily without an pressure from anyone left the house of the my Mama and started living with the petitioner.

3. I state and submit that I and the petitioner Imtiyaz had entered into live-in agreement as we are not able to marry with each other due to prohibition of law and we are residing happily since last 15 years with each other.

3. I state and submit that I don't want to proceed further and withdraw all proceeding arising out from I-C.R.No.88 of 1999 registered before Padara Police Station under section 363, 366 and 114 of IPC.

4. I state and submit that I am making this affidavit with my free will and consent and without any pressure from anyone.

Solemnly affirmed at Balasinor on this day of 20/07/2017."

2. Since the original complainant – respondent No.2 is not present, issue **Rule**. Mr.L.B.Dabhi, learned Additional Public Prosecutor waives service of Rule on behalf of respondent No.1- State of Gujarat.

Ad-interim relief in terms of Para 8(C) is granted.

Direct service is permitted today.

[A.J.DESAI, J.]

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