

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 18944 of 2019**

=====

JAYESH CHIMANBHAI SOLANKI

Versus

STATE OF GUJARAT

=====

Appearance:

MR NL RAMNANI(2400) for the Applicant(s) No. 1,2,3,4,5,6

NOTICE SERVED BY DS for the Respondent(s) No. 2

MS MAITHILI MEHTA APP for the Respondent(s) No. 1

=====

CORAM:**HONOURABLE MR. JUSTICE NIRZAR S. DESAI**

Date : 03/08/2022

ORAL ORDER

1. By way of the present petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C', for short) the petitioners have prayed for quashing and setting aside the First Information Report ('FIR', for short) being I – C.R.No. 92 of 2019 registered with Mahila Police Station, Surat for the offences punishable under Sections 498A, 323, 504 and 114 of Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act against the petitioners.

2. While issuing Notice *vide* order dated 07.10.2019, the coordinate Bench of this Court granted relief in favour of the petitioners in terms of Para:16(C).

Thereafter matter was even referred to Mediation Center. However, report dtd.05.12.2019 suggests that the said effort for mediation was unsuccessful.

3. Thereafter time and again the matter was adjourned. However, despite service of notice, Respondent No.2 – wife has not appeared either as party-in-person or through any advocate.

4. Considering the fact that relief is operating in favour of petitioners since the year 2019 and despite service of notice wife has chosen not to appear before this Court, matter requires consideration. Hence, **Rule.** Learned Additional Public Prosecutor Ms.Maithili Mehta waives service of notice of Rule on behalf of Respondent – State Authority. *Ad-interim relief* granted earlier *vide* order dated 07.10.2019 to continue till the final disposal of this petition. Direct service to Respondent No.2 is permitted through concerned police station.

(NIRZAR S. DESAI,J)

MISHRA AMIT V.