

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 12563 of 2025**

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JEBUNNISHA SHABIRHUSAIN ANSARI & ANR.**Versus****STATE OF GUJARAT & ANR.**

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Appearance:**MR ABRAR G SAIYED(9571) for the Applicant(s) No. 1,2****MS SHRUTI PATHAK, APP for the Respondent(s) No. 1**

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**Date : 29/09/2025****ORAL ORDER**

By way of present petition under Article 226 of the Constitution of India read with Section 528 of the BNSS, the petitioners have sought for quashing and setting aside the FIR being CR No.11191021250325 of 2025 registered with Gaekwad Haveli Police Station, Ahmedabad City for the offences punishable under Sections 85, 296(b), 115(2), 351(3) and 54 of the Bharatiya Nyaya Sanhita, 2023 filed at the instance of respondent No.2.

Having heard learned advocates for respective parties and perusing the record, it appears that petitioner No.1 is mother in law and petitioner No.2 is sister in law of respondent No.2. The alleged incident took place during the period from 28.08.2021 to 28.08.2025 whereas the impugned complaint is filed in the year 2025. Further, the marriage span between accused – husband respondent No.2 is more than 10 years however, no specific allegation is made and general and vague allegations and thereby caused mental and physical torture.

Considering the aforesaid fact and in view of decisions of Hon'ble Supreme Court in the case of **Dara Lakshminarayan vs. State of Bihar** reported in **(2025) 3 SCC 735** and **Shobhitkumar Mittal vs. State of Uttar Pradesh** reported in **2025 INSC 1152**, petition deserves consideration.

RULE returnable on **08.12.2025**.

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.

There shall be **no coercive steps qua the present petitioners only** however, they shall join the investigation.

Direct service is permitted.

(HASMUKH D. SUTHAR, J.)

Ajay