

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 20959 of 2022**

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ASHRAFBHAI HAFIJBHAI VIJAPURA

Versus

STATE OF GUJARAT

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Appearance:

MR KISHAN N BRAHMBHATT(11382) for the Applicant(s) No. 1,2

RUSHI A BAROT(8993) for the Applicant(s) No. 1,2

for the Respondent(s) No. 2

MR DHAWAN JAYSWAL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA**Date : 16/11/2022****ORAL ORDER**

1. Heard Mr. K.N. Brahmbhatt, learned advocate for the applicants.

2. The applicants are original accused no.2 and 3 as per the FIR lodged against them registered with Himmatnagar Rural Police Station, District: Sabarkantha for the offences as mentioned in the FIR and by way of this application, they are praying for quashing of the said FIR and consequential proceedings thereof pending before the Sessions Court at Himmatnagar, District: Sabarkantha.

3. A bare perusal of the FIR and case papers would show that, there is no any allegation against the present applicants with respect to commission of offence punishable under Sections 376, 406 and 420 of the IPC. So far role of the present

applicants is concerned, it is alleged by the victim that they had threatened her to vacate the premises.

4. In such circumstances, let **Rule** be issued returnable on **07.03.2023**. Learned APP waives service of rule for the respondent-State. Meanwhile, interim relief in terms of para-9(C) is granted qua the present applicants.

Learned Sessions Court concerned is at liberty to proceed further qua the co-accused in accordance with law.

TAUSIF SAIYED

(ILESH J. VORA,J)