

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION (DOMESTIC VIOLENCE) NO.
12643 of 2022**

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KOKILABEN GAUTAMKUMAR DAVE
Versus
STATE OF GUJARAT

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Appearance:

MR P P MAJMUDAR(5284) for the Applicant(s) No. 1,2
for the Respondent(s) No. 2
MS CM SHAH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA

Date : 06/11/2023

ORAL ORDER

1. Draft Amendment is allowed. Necessary amendment to be carried out forthwith.

2. The applicants, who are in-laws of private respondent, have preferred present application for quashing of Criminal Misc. Application No.1235 of 2021, filed under the provisions of the Domestic Violence Act, which is pending before the learned 2nd Additional Chief Metropolitan Magistrate, Court No.13, Ahmedabad.

3. On perusal of the application, it appears that the marriage of respondent – wife with one Haridas G. Dave took place on 05.05.2011, and thereafter, the wife went to the matrimonial home for performing matrimonial obligations. Due to marital discord, bitterness cropped up among the family members. In

2013, wife had claimed the maintenance from the husband and also filed a complaint under Section 498(A) of the Code of Criminal Procedure, 1973 and due to compromise, both the proceedings were withdrawn by her. However, matrimonial dispute does not reconcile. The husband had filed divorce petition on 03.08.2020. Thereafter, by invoking provisions of the Domestic Violence Act, wife has filed the application against the husband and present applicants, who are mother-in-law and sister-in-law.

4. In such circumstances, *prima facie*, it appears that due to martial discord with the husband, present proceedings being initiated against the applicants by alleging general allegations in relation to the domestic violence. Thus, the matter deserves consideration. Let **Rule** be issued, returnable on 08.02.2024. Learned APP waives service of rule for the respondent – State. Meanwhile, interim relief in terms of Para-29(B) is granted.

5. It is made it clear that the learned Trial Court shall proceed against the husband in accordance with law.

Rakesh

(ILESH J. VORA,J)