

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 15522 of 2024**

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DHARMESH DIPAKBHAI PANCHAL & ANR.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

FOUZAN N SONIWALA(8442) for the Applicant(s) No. 1,2

MR ARSHAD SHAIKH(11761) for the Applicant(s) No. 1,2

PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE SANDEEP N. BHATT**Date : 24/01/2025****ORAL ORDER**

[1] Heard learned advocate Mr. Fouzan Soniwala for the petitioners and learned APP for the respondent State.

[2] At the outset, learned advocate for the petitioners, upon receiving the instructions from his clients, does not press this petition qua the petitioner No.1 – husband. He is pressing this petition qua the petitioner No.2 only. Hence, this petition is **dismissed as not pressed** qua the petitioner No.1 – husband.

[3] In view of the above, this petition has been considered qua the petitioner No.2 only.

[4] Learned advocate for the petitioner has submitted that on bare reading the of impugned FIR, it transpires that present petitioner, who is mother-in-law of the complainant is falsely implicated in the alleged offence. He has also submitted that it transpires from the FIR that no specific believable allegations are made against the present petitioner and the allegations are general in nature Hence, considering all these aspects, continuation of the proceeding pursuant to the FIR would amount to an abuse of process of law and, therefore, in light of the above, she has prayed for interference of this Court.

[5] Learned APP for the respondent – State has strongly opposed the submissions made at the bar and has submitted that on bare reading of the FIR, *prima facie*, case is made out against the present applicants, and, therefore, the Court may not interfere at this stage as such powers should be exercised very sparingly.

[6] Considering the submissions made at the bar, the matter requires consideration. Let **NOTICE** be issued to the other side making it returnable on 19.03.2025. Learned APP waives service of notice for and on behalf

of respondent – State.

[7] Meanwhile, interim relief in terms of para 21(B) is granted till the next date of hearing.

DIWAKAR SHUKLA

(SANDEEP N. BHATT,J)