

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 15820 of 2023**

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SATISHBHAI KACHRABHAI PATEL & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR YASH J PATEL(11240) for the Applicant(s) No. 1,2,3,4

for the Respondent(s) No. 2

MS DIVYANGNA JHALA, ADDL. PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR****Date : 29/04/2024****ORAL ORDER**

Heard learned advocate for the petitioners and learned APP for respondent No.1 – State of Gujarat.

As present consent quashing petition is filed for quashing of the impugned proceeding involving offences punishable under Sections 306 and 114 of the Indian Penal Code, 1860, in view of the decision of the Hon'ble Supreme Court in the case of **Daxaben vs. State of Gujarat and Others** reported in **2022 SCC OnLine SC 936**, present petition based on settlement is not permissible. However, learned advocate for the petitioners has the liberty to make out the case on merits.

Issue **NOTICE** making it returnable on **13.02.2024**.

Learned APP waives service of Notice for and on behalf of respondent No.1 – State of Gujarat. Respondent No.2 to be served through the concerned police station.

(HASMUKH D. SUTHAR, J.)

Ajay