

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 23240 of 2022**

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SURENDRASINH KAPILDEVSIH RAJPUT

Versus

STATE OF GUJARAT

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Appearance:

MR VIRAT G POPAT(3710) for the Applicant(s) No. 1,2,3,4

for the Respondent(s) No. 2

MR UTKARSH SHARMA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA**Date : 19/12/2022****ORAL ORDER**

1. Heard Mr. Virat Popat, learned advocate for the applicants.

2. By way of this application, the applicants have prayed for quashing of FIR registered with Ghatlodiya Police Station, Dist: Ahmedabad City for the offences as mentioned in the FIR.

3. Mr. Popat, learned advocate for the applicants submitted that, the applicants are distant relatives of the deceased and there is no specific role assigned to them for the alleged offence of abetment to suicide. He further submitted that, even if the allegations levelled are accepted to be true, then also, no offence, much less an offence under Section 498A or Section 306 of IPC is made out and therefore, it is a fit case to quash the criminal proceedings as continuation of proceedings is

nothing but an abuse of process of law.

4. Having regard to the facts and circumstances of the case, prima-facie, it appears that, the applicants are distant relatives of the deceased and as such there is no any specific allegations levelled against them leading to commit suicide by the deceased. In such circumstances, this Court is of the opinion that the matter deserves consideration.

5. Let **Rule** be issued returnable on **27.04.2023**. Learned APP waives service of rule for the respondent-State. Meanwhile, interim relief in terms of para-11(c) is granted qua the present applicants.

The trial Court is at liberty to proceed further against the co-accused in accordance with law and shall not wait for the outcome of this application.

TAUSIF SAIYED

(ILESH J. VORA,J)