

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 13518 of 2022**

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RAKESH RASIKBHAI UNADKAT

Versus

STATE OF GUJARAT

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Appearance:

MR B.B. NAIK, SENIOR COUNSEL ASSISTED BY MR EKANT G

AHUJA(5323) for the Applicant(s) No. 1

NOTICE SERVED THRU CONCERNED POLICE STN for the Respondent(s)

No. 2

MS MAITHILI MEHTA, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE ILESH J. VORA**Date : 04/12/2023****ORAL ORDER**

1. Heard Mr. B.B. Naik, learned senior counsel assisted by Mr. Ekant Ahuja, learned counsel for the applicant and Ms. Maithili Mehta, learned APP for the respondent-State.
2. Though served, none appears for the private respondent-original informant.
3. At the time of issuing notice, this Court on 09.01.2023, passed the following order:

"1. Heard learned Senior Counsel Shri B.B. Naik assisted by learned advocate Mr. Ekant Ahuja for the applicant.

2. By way the application, the applicant – original accused seek quashment of the FIR registered with Ramol Police Station for the offences punishable under Sections 306 and 114 of the Indian Penal Code.

3. Learned Senior Counsel would submit that due to financial stress, the deceased committed suicide. As such, there was no any intention on the part

of the applicant in the alleged act of suicide. He would further submit that the contents of the E-mail letter in the form of suicide note would not satisfy the ingredients of Section 107 of the Indian Penal Code.

4. In such circumstances, it is submitted that the criminal proceedings is nothing but an amount of abuse of process of law.

5. Considering the contents of the FIR and material placed on record, the matter deserves consideration.

*6. Let **Notice** be issued, returnable **08.02.2023**. Learned APP waives service of notice on behalf of respondent-State.*

7. Direct service is permitted to the private respondent. To be served through concerned Police Station."

4. Having regard to the peculiar facts and circumstances of the case, this Court is of view that, the applicant has made out a case to have interim relief in his favour and therefore, the matter deserves consideration.

5. Let **Rule** be issued returnable on **14.02.2024**. Learned APP waives service of rule for the respondent-State. Meanwhile, interim relief in terms of para-13(v) is granted till further orders.

(ILESH J. VORA,J)

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