

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 17514 of 2025**

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SNEHALKUMAR KANAIYALAL VYAS & ORS.**Versus****STATE OF GUJARAT & ORS.**

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Appearance:**MR DHARMESH R PATEL(5592) for the Applicant(s) No. 1,2,3****MS. VRUNDA SHAH, APP for the Respondent(s) No. 1**

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 06/01/2026****ORAL ORDER**

1. Rule returnable forthwith. Learned APP waives service of notice of rule for and on behalf of the respondent State.
2. The present petition has been filed by the petitioner under Article 226 of the Constitution of India r/w. Section 528 of the Bharatiya Nagarik Suraksha Sanhita challenging notice issued to them by Modasa Rural Police Station asking the petitioner to report certain tests to be conducted upon him by the Forensic Science Laboratory, Gandhinagar.
3. Learned advocate for the petitioner submitted that the petitioner is not agreeable for the tests to be conducted upon him. Despite the same, the concerned police authorities are forcing him to undergo the tests in question. He, therefore, submitted to allow the present petition and quash and set aside the notice in question.
4. Learned Additional Public Prosecutor opposed the grant of present petition *inter-alia* contending that on 29.09.2025,

the statement of present petitioner was recorded wherein the petitioner had given consent for LVA and SDS tests and therefore, the petitioner had been issued notice which is impugned in the present petition asking him to remain present before the FSL, Gandhinagar on 06.01.2026 i.e. today for the tests in question. Learned APP, therefore, submitted to dismiss the present petition.

5. Heard learned advocates for the respective parties and perused the material available on record.
6. It appears from the record that the Investigating Agency has recorded statement of the petitioner on 29.09.2025 wherein the petitioner has consented for the tests in question to be conducted upon him. However, the petitioner herein had addressed the communication to the Police Inspector, Modasa Rural Police Station on 30.12.2025 whereby the petitioner has retracted from the consent given before the concerned Police Inspector for LVA and SDS test.
7. Having regard to this aspect, the notice impugned in the present petition is required to be quash and set aside and the same is hereby quashed and set aside. It will be open for the Investigating Agency, if it so desires to approach the learned Magistrate for conduct of any such tests of any of the witnesses. Rule made absolute accordingly. Direct service is permitted.

(M. R. MENGDEY,J)

NABILA