

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 10627 of 2016**

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ANITABEN W/O VIKESHBHAI SHAH & 2....Applicant(s)

Versus

STATE OF GUJARAT & 1....Respondent(s)

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Appearance:

MR ASHISH M DAGLI, ADVOCATE for the Applicant(s) No. 1-3

MR DM DEVNANI, APP for the RESPONDENT(s) No. 1

MR NIGAM R SHUKLA, ADVOCATE for the Respondent(s) No. 2

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CORAM: HONOURABLE MR.JUSTICE J.B.PARDIWALA

Date : 24/01/2018

ORAL ORDER

RULE returnable forthwith. Mr.D.M.Devnani, the learned APP waives service of notice of rule for and on behalf of the respondent no.1 - State of Gujarat. Mr.Nigam R.Shukla, the learned counsel waives service of notice of rule for and on behalf of the respondent no.2 - original first informant.

By this application under Section 482 of the Code of Criminal Procedure, 1973, the applicants - original accused persons seek to invoke the inherent powers of this Court, praying for quashing of the First Information Report being II-CR No.52 of 2016 registered with the Mahila Police Station, District Rajkot, for the offences punishable under Sections 498A, 323,

504 read with Section 114 of the Indian Penal Code and under Sections 3 and 5 of the Dowry Prohibition Act.

The applicant no.1 is the mother-in-law, the applicant no.2 is the father-in-law and the applicant no.3 is the brother-in-law of the respondent no.2 - original first informant.

The respondent no.2 got married with one Jaideepbhai Vikeshbhai Shah on 8th February 2015. This is one of those modern marriages fixed on *facebook*, therefore, bound to fail. According to the first informant, she came in contact with the original accused no.1 on *facebook* and thereafter, they started meeting with each other. They got married and within two months thereafter problems cropped up in their marital life. The husband is not before this Court. However, the father-in-law, mother-in-law and brother-in-law have also been arraigned as the accused. The allegations in the FIR are, by and large, against the husband.

Mr.Shukla, the learned counsel appearing for the first informant very fairly submitted that the applicants may not be concerned with the dispute between the husband and wife. In such circumstances, he very fairly submitted that the FIR may be quashed so far as the applicants are concerned.

Having heard the learned counsel appearing for the parties and having considered the materials on record, I am of the view that the FIR deserves to be quashed so far as the father-in-law, mother-in-law and brother-in-law are concerned.

In the result, this application succeeds and is hereby allowed. The First Information Report being II-CR No.52 of

2016 registered with the Mahila Police Station, District Rajkot, is hereby quashed so far as the applicants are concerned. The investigation shall proceed further in accordance with law so far as the original accused no.1, namely Jaideepbhai, i.e. the husband is concerned.

I should make a note of one fact that the parties did try to settle the matter, however, the settlement could not be arrived at.

I am still of the view that the parties should explore the possibility of settlement and put an end to the marriage with consent. Both the sides are young. Once the marriage is dissolved, they can think about their future avenues in life.

Rule made absolute. Direct service is permitted.

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सत्यमेव जयते (J.B.PARDIWALA, J.)

THE HIGH COURT
OF GUJARAT

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