

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 17227 of 2022**

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AEJAJ RAJAKBHAJ LAKHANI
Versus
STATE OF GUJARAT

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Appearance:

MAZHARKHAN M PATHAN(8135) for the Applicant(s) No. 1
DS AFF.NOT FILED (N) for the Respondent(s) No. 2
MS CM SHAH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA
Date : 02/01/2024
ORAL ORDER

1. By this application under Section 482 of the Code of Criminal Procedure, 1973, the applicant is seeking to invoke the inherent powers of this Court praying for quashing of FIR being C.R.No.11193009210002 of 2021 registered with Bagasra Police Station, Amreli for the offences punishable under Sections 376(1), 354(k), 354(g) (1), 447 and 506(2) of the Indian Penal Code and Sections 4, 8 and 18 of the POCSO Act and other consequential proceedings thereto.

2. Heard learned advocate for the applicant as well as learned APP for the respondent – State. None appears on behalf of the respondent no.2.

3. The facts giving rise to file this application are that the father of the victim lodged an FIR against the applicant *inter alia* alleging that his daughter was abducted by applicant – accused. During the course of investigation, the statement of the victim was recorded, wherein she has categorically stated that she has left the house with her own volition without being any force or coercion on the part of the applicant. Considering the age of applicant, the I.O. has filed the chargesheet against the applicant for the alleged offence, as referred above.
4. Learned advocate for the applicant submits that since the date of the FIR, the victim is living with the applicant and after attending the age, they entered into marriage relationship and therefore, the present criminal proceedings is nothing, but sheer misuse of process of law and/or Court and therefore, he prays that, to prevent the abuse of process of the Court and to secure the ends of justice, the criminal proceedings may be quashed and set aside.
5. On the other hand, learned APP for the respondent – State

submitted that at the relevant time, the age of the victim was not marriageable and therefore, no case is made out for exercising inherent powers of this Court.

6. The law is well settled on the point of quashing FIR or chargesheet, that the allegations levelled in the FIR and the chargesheet are taken at its face value, if do not make out any case, the same could be quashed by invoking inherent jurisdiction under Section 482 of Code of Criminal Procedure, 1973.
7. In the facts of the present case, the victim was in love with applicant and against the will and wish of the family members, she left the parental home and settled with applicant and after attending the age of majority, they got married and since long, they are living peacefully and enjoying their marriage life. In such circumstances, considering the facts and circumstances of the present case, no useful purpose would be served by continuing the proceedings and chances of conviction appear to be remote and/or bleak.
8. Thus, the continuation of the criminal proceedings in

relation to the impugned FIR against the applicant would be unfair and contrary to the interest of justice and it would be tantamount to the abuse of process of law and hence, to secure ends of justice, the impugned FIR being C.R.No.11193009210002 of 2021 registered with Bagasra Police Station, Amreli and other consequential proceedings thereto are quashed and set aside qua applicant herein. Accordingly, present application is allowed and is hereby ***disposed of.***

Direct Service is permitted.

(ILESH J. VORA,J)

Rakesh