IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 19378 of 2020

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VIPUL LAXMANBHAI THAKOR

Versus

STATE OF GUJARAT

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Appearance:
MR NK MAJMUDAR(430) for the Applicant(s) No. 1
for the Respondent(s) No. 2
MS JIRGA JHAVERI, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE R.P.DHOLARIA**

Date : 21/12/2020
ORAL ORDER

1. By way of this application under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as ”the Code”), the applicant has prayed for quashing and setting aside FIR bearing CR No.11196026201724 of 2020 registered with Raopura Police Station,, Vadodara City for the commission of offence punishable under Sections 363 and 366 of the Indian Penal Code.

2. Having heard learned advocate Mr.N.K. Majmudar, learned advocate for the applicant and Ms.Jirga Jhaveri, learned APP for the respondent-State.

3. On going through the FIR, it clearly establishes that the prosecutrix is below the age of 18 years, whereas the applicant is above the age of 21 years. The allegations levelled against the present applicant by the father of the prosecutrix is that while lodging the complaint, the present applicant without consent of her parents, enticen away with the prosecutrix, which clearly made out the offences punishable under Sections 363 and 366 of the Indian Penal Code. Therefore, the

investigation as well as trial is required to be undertaken for the alleged offence. Learned advocate Mr.Majmudar placed reliance upon the judgment in the case of **Yunusbhai Ushmanbhai Shaikh v. State of Gujarat**, reported in **2015 (0) AIJEL HC 233106**.

4. This Court has also gone through the ratio laid down in the aforesaid judgment, wherein the case of Muslim girl was involved and the Coordinate Bench has observed that after attaining the liberty, if she has voluntarily gone through, it would not be attracted the provisions of Sections 363 and 366 of the Indian Penal Code. Prima facie, the offence is constituted, therefore, no case is made out for quashing the FIR. Hence the present application stands dismissed.

(R.P.DHOLARIA, J)

MOHMMEDSHAHID/Ali