

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 11587 of 2025**

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DHAVAL RAMANBHAI PATEL

Versus

STATE OF GUJARAT

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Appearance:

MR NABIL O BLOCH(7953) for the Applicant(s) No. 1

MR ROHAN RAVAL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 22/08/2025**ORAL ORDER**

By way of present petition under Articles 226 and 227 of the Constitution of India read with Section 528 of the BNSS, the petitioner has prayed for quashing of the FIR being CR No.11199038250424 of 2025 registered with Nabipur Police Station, District Bharuch for the offence punishable under Sections 316(3), 303(2) and 54 of the Bharaitya Nyaya Sanhita, 2023 filed at the instance of respondent No.2.

Heard learned advocate for the petitioner and learned APP for respondent – State of Gujarat.

Learned APP has submitted that anticipatory bail application of the petitioner is dismissed and since thereafter, the petitioner is absconding and hence, unless and until the petitioner surrenders and appears before the investigating agency, question does not arise to follow further steps.

Having heard the learned advocates for the respective parties and having gone through the material on record, at the

outset, it is worth to mention that present petition is misconceived. After the anticipatory bail application of the petitioner got dismissed, petitioner is absconding and therefore, investigating agency is not in a position to follow the mandatory provisions of Section 35 of the BNSS, which investigating authority is duty bound to follow. Further, the offences are punishable upto 7 years and therefore, in view of the directions given by the Hon'ble Apex Court, particularly the dictum in the cases of **Arnesh Kumar v. State of Bihar** reported in **(2014)8 SCC 273**; **Satender Kumar Antil v. Central Bureau of Investigation & Anr.** reported in **(2022)10 SCC 51** and **Md. Asfak Alam vs. State of Jharkhand and Another** reported in **2023 SCC OnLine SC 892**, authorities are bound to follow the mandate of section 35 of the BNSS.

In view of above, present petition being misconceived stands disposed of. It is made clear that this Court has not examined the merits of the case.

(HASMUKH D. SUTHAR, J.)

Ajay

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AJAY CHANDRAN MENON(HC00939), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 22/08/2025 18:02:57