IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER) NO. 13342 of 2019

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BIJALKUMAR RAJESHBHAI PATEL
Versus
STATE OF GUJARAT & ANR.

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Appearance:
KUMAR H TRIVEDI(9364) for the Applicant(s) No. 1
NOTICE SERVED for the Applicant(s) No. 1
NOTICE SERVED BY DS for the Respondent(s) No. 2
MR TRUPESH KATHIRIYA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE M. R. MENGDEY**

Date : 04/11/2026

ORDER

Learned advocate for the applicant is not present when the matter is called out.

1. Present Petition is preferred by the Petitioner (Original Accused) under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, seeking quashing of FIR C.R No.I-19 of 2018 registered with Khambhat Rural Police Station, Anand.

2. Heard learned APP for the Respondent – State. Though served, nobody appears for the respondent No.2.

3. Rule. Learned APP waives service of notice for and on behalf of the respondent – State.

4. An affidavit dated 15.7.2019 on behalf of the daughter of the Complainant, is placed on record.

5. Upon perusal of the record it appears that the present applicant and the

prosecutrix were having an affair with each other. The affidavit of the prosecutrix is also on record wherein she has stated as under,

> *"2. I state that the actual facts and circumstances is that; I was in love relation with the Bijalkumar Patel- applicant in the above captioned petition and I wanted to get married with him after attaining the age of majority but my father was against the said relation therefore, on 08.04.2018 I had left from my home on my own wish and will.*
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> *3. I state that the present applicant and I are in love with each other and were residing together since last 1 year and 3 months and we decided to marry with each other and our marriage was solemnized on 26.06.2019 and was registered on 27.06.2019 at Ahmedabad. The marriage certificates are annexed with the memo of the petition.*
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> *4. I further states and submits that I want to happily live my married life with the present applicant, but as I have decided to marry with the present applicant, my father is not ready to accept our relation and therefore, he wants the present applicant to be prosecuted as he has damaged the reputation of my father.*
>
> *5. I further states and submits the present complaint is nothing but the outrage of emotions of my father and no such offences as alleged in the FIR/complaint is committed by the present applicant, I request this Hon'ble Court to quash and set aside the criminal proceedings with respect to FIR/Complaint bearing CR No.I-19 of 2018 registered with Khambhat Rural Police Station, Anand and all other criminal proceedings arising out of the FIR/Complaint and also be pleased to quash the non-bailable warrant issued against the present applicant to meet the end of justice and to safeguard my marriage life."*

6. Learned APP has drawn the attention of this court to the statement of one Vipulkumar Ghanshyambhai Panchal who happens to be brother of the prosecutrix. He in his statement dated 24.1.2024 has stated that the present applicant and his sister i.e. the prosecutrix have performed marriage with each

other which has been accepted by the family members of the prosecutrix and at present the relations between the parties are cordial. The attention of this court is also drawn to the fact that pending the present application, the complainant has expired.

7. Considering averments made in the Affidavit, the present Application deserves to be allowed and is hereby allowed. The FIR C.R No.I-19 of 2018 registered with Khambhat Rural Police Station, Anand and other consequential proceedings is hereby quashed and set aside qua the present Petitioner. Rule is made absolute.

(M. R. MENGDEY,J)

Manshi

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AMIN MANSI(HC01561), Private Secretary, at High Court of Gujarat on 04/11/2026 15:00:10