

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 12314 of 2024

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RANJITSINH NAGJIBHAI MORI
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR VILAS S PATIL(10492) for the Applicant(s) No. 1
MS NANDITA A SUROLLIA(12060) for the Applicant(s) No. 1
MR BV PANDYA, PUBLIC PROSECUTOR for the Respondent(s) No. 1
MS CB PATNI, for the Victim-First Informant

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CORAM:**HONOURABLE MR. JUSTICE NIRZAR S. DESAI**

Date : 25/09/2024

ORAL ORDER

1. Learned Advocate, Mr. Virat Popat, appearing with learned Advocate, Ms. Surollia, for the petitioner invited the attention of this Court to Column No.3 of the impugned FIR, which indicates that the offence commenced from December, 2021 and continued till the date of registration of the impugned FIR, i.e. up to 06.09.2024.

1.1 It was submitted that the impugned FIR is lodged on the ground that the complainant, who was working as Assistant Branch Manager in a reputed bank, was frequently stalked by the petitioner and thereafter, the petitioner also made false promises to marry her and thereby, he made the victim-complainant enter into an intimate relationship with him, forcefully.

1.2 It was, further, submitted that it is also alleged in the impugned FIR that during the span of three years, i.e. during which the alleged offence continued, the petitioner had been introducing the complainant as his girlfriend in his inner circle. It was submitted that it is also alleged in the impugned FIR that the petitioner used to stand outside the bank, where the victim is working, and was constantly stalking her, which ultimately led the complainant to enter into a forcible relationship with the petitioner.

1.3 It was also submitted that in the lengthy FIR, the complainant has narrated various instances and incidents, where, the petitioner is alleged to have threatened the complainant, however, it is nowhere explained that the complainant, who is serving as Assistant Branch Manager in a reputed bank, remained silent about the harassment at the hands of the petitioner and instead, she entered into a relationship with the petitioner.

1.4 Learned Advocate, Mr. Popat, submitted that, in fact, the relationship between the petitioner and the complainant was consensual by nature. The attention of this Court was drawn to several photographs attached with this petition, wherein, the petitioner and the complainant can be seen together, along with other persons, who appears to have gathered at a hotel for celebration of a birthday. Attention of this Court was also invited to various Whatsapp chats between the petitioner and the complainant and it was submitted that the relationship between the petitioner and the complainant was consensual in

nature. It was submitted that the impugned FIR came to be filed, only after the relationship between the petitioner and the complainant turned sour.

1.5 It was submitted that the impugned FIR is filed under the various sections of the Indian Penal Code, including Section 376 of the IPC, and therefore, this is nothing but the clear abuse of the process of law. It was also submitted that the petitioner has no objection, if, the investigation is continued and he is granted protection from coercive action.

2. Learned Advocate, Ms. C.B. Patni, appearing for the complainant strongly opposed this petition and showed her desire to file a detailed reply, but, she could not point out anything from the material available on the record to indicate that the relationship between the petitioner and the complainant was not consensual.

3. Learned APP, Mr. Pandya, also could not point out anything, in the presence of the concerned IO, that at any point of time, the complainant had complained about the harassment at the hands of the petitioner either to any higher police authority or even to his officials at the bank. He, however, stated that the anticipatory bail application of the petitioner is rejected by the concerned trial Court and except that, there is no material pointed out to show that the relationship between the petitioner and the complainant was forcible, one. It was, therefore, prayed that this Court may pass appropriate orders.

4. Having heard the learned Advocates on both the sides and having perused the material available on the record, i.e. the photographs of the petitioner with the victim complainant as well as the Whatsapp chats between them, so also considering the fact that there is no explanation given in the impugned FIR, as to why the complainant did not make any complaint to any higher police officer or to any of the officials at her bank about the mental and physical harassment meted out by the petitioner for the period of about three years, the matter would require consideration.

5. **Notice**, returnable on **4th December, 2024**. Learned APP waives service for the Respondent-State.

5.1 In the meantime, though, the investigation may go on, there shall be **no coercive** step taken against the petitioner, including the filing of the charge-sheet. Direct service through the concerned police station is permitted.

UMESH/-

(NIRZAR S. DESAI,J)