IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER) NO. 18600 of 2020

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BHANABHAI @ JODHABHAI PITHABHAI KAIOTARA(RABARI)

Versus

STATE OF GUJARAT & ANR.

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Appearance:
MR. KISHAN H DAIYA(6929) for the Applicant(s) No. 1
NOTICE SERVED for the Respondent(s) No. 2
ROHAN N SHAH APP for the Respondent(s) No. 1
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CORAM:**HONOURABLE MR.JUSTICE P. M. RAVAL**

Date : 14/10/2026

ORAL ORDER

1. Leave to add Victim as a party Respondent. Amendment to be carried out forthwith. Learned Advocate Mr. Divyang A. Joshi has instructions to appear for the victim. He shall file his Vakalatnama in due course. Registry to accept the same.

1.1 By way of the present petition, the petitioner has prayed to quash and set aside the impugned FIR being CR No. I/132/2013 registered with Una Police Station, Gir Somnath, for the offences punishable under Sections 363, 366 and 114 of the IPC and other consequential proceedings arising therefrom.

2. The facts of the case, in nutshell, are as under:-

2.1 That on 02.08.2013, the present petitioner No. 1 with connivance of the other co-accused namely Dilipbhai Lakhmanbhai Rabari has lured and enticed the minor daughter of

the complainant namely, Amarben aged about 17 years and to elope with her and commit criminal acts with wrongful intentions and allegedly took her away from her legal custody of parents.

3. Though served none appears for the Respondent- Original Complainant. The matter is of 2020 and pending since then. Hence, at the request of the learned Advocates for the respective parties present, the same is taken up for final disposal today.

4. Heard Learned Advocates for the parties present.

4.1 Learned Advocate Mr. Kishan Daiya for the petitioner, at the very outset, submits that this is a case of love affair and the victim and the petitioner have happily married and have a child also out of the said wedlock and accordingly, submits that continuation of criminal proceedings against the present petitioner could be an exercise in futility and hence, the prays to allow the present application.

5. As against that, the learned Advocate for the victim, while tendering an affidavit duly affirmed by the Victim, fairly conceded the facts narrated by the learned Advocate for the petitioner. The said affidavit is taken on record. The victim is also personally present before the Court and affirms the above facts. She further states that she has no objection if the FIR is in question is quashed and set aside.

6. Per contra, learned Additional Public Prosecutor would submit considering the age of the victim, a prima facie strong

case under Sections 366 and 363 of the IPC is made out and thus, argued to reject the present petition.

7. Having considered the arguments of learned Advocates for the respective parties and after perusal of the FIR as well as the Affidavit filed by the victim in support of the accused, which is placed on record at Annexure C, and also keeping in view the judgment in the case of ***S. Varadarajan Vs. State of Madras AIR 1965 SC 942***, it is found that this is a case of adolescence love, wherein the victim herself voluntarily left the house of the parents (complainant father) without there being any threat, coercion or allurement. The further affidavit filed by the victim is also taken on record. From the reading of the Affidavit, it transpires that victim has voluntarily left her parental house and after that residing with her friends and after attaining the age of majority, she married with petitioner and now both have started to reside as husband and wife. They have one son out of the wedlock. She resides with petitioner alongiwth her minor son.

7.1. In the aforesaid facts and circumstances of the case, in the considered opinion of the Court, continuation of criminal proceedings against the present petitioner would be an exercise in futility as the petitioner and the victim have happily married and have a child and Victim has no objection, if the FIR is quashed.

8. In view of the above, the captioned petition stands allowed. The impugned FIR being CR No. I/132/2013 registered with Una Police Station, Gir Somnath, for the offences punishable under Sections 363, 366 and 114 of the IPC, along with all

consequential proceedings arising therefrom qua the present petitioner, stands quashed and set aside.

9. Rule is made absolute to the aforesaid extent.

(P. M. RAVAL, J)

MMP

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MAHENDRA MOHANBHAI PUROHIT(HCD0074), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 15/10/2026 11:07:28