

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CRIMINAL APPLICATION (DIRECTION - POLICE
PROTECTION) NO. 11658 of 2021**

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Versus
STATE OF GUJARAT & ORS.

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Appearance:

MS BHAKTI JOSHI for the Applicant
for the Respondent No.2,3,45,6

MR MITESH AMIN, ADDITIONAL ADVOCATE GENERAL with MR HARDIK
DAVE, PUBLIC PROSECUTOR with MR HIMANSHU PATEL for Respondent
No.1

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CORAM: HONOURABLE MR. JUSTICE NIRAL R. MEHTA**Date : 23/10/2024****ORAL ORDER**

1. By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed for the following reliefs :

“(a) Your Lordships may be pleased to admit and allow the present petition.

(b) Your Lordships may be pleased to issue writ of Mandamus against the respondent no.2, 3, 4 and 5 and pass an order/direction to the respondent no.2, 3, 4 and 5 to comply, obey and follow the guidelines and principles laid down by the Hon'ble Supreme Court of India in the case of Lalitakumari Vs. State of U.P & Ors. reported in 2012 (4) SCC 1 and Sakiri Vasu Vs. State of U.P & Ors. reported in 2008 (2) SCC 409 and



register the FIR against the respondent no.6

(c) Your Lordships may be pleased to pass an order/direction to the respondent no.2, 3, 4 and 5 to provide police protection to the petitioner, pending final disposal of the present petition as Ad-interim relief.

(d) Your Lordships may be pleased to grant any further or other relief(s) as may be deem fit, just and proper.”

2. Heard learned advocate Ms.Bhakti Joshi for the petitioner and learned Additional Advocate General Mr.Mitesh Amin with learned Public Prosecutor Mr.Hardik Dave with learned Additional Public Prosecutor Mr.Himanshu Patel for the respondent No.1.

3. After arguing the matter at length, learned Additional Advocate General Mr.Mitesh Amin had voluntarily made a statement that the necessary steps will be taken for lodgment of First Information Report against one Gajendrasinh Udesinh Parmar, who happens to be MLA from Prantij Constituency as per the first version of the petitioner disclosed vide Application dated 17.2.2021, for which learned Additional Advocate General Mr.Mitesh Amin sought time and thereby, the matter was adjourned.

4. Today, when the matter was called out, learned Additional Advocate General Mr.Mitesh Amin has produced the First Information Report being No.11216007240484 of 2024 dated 19.10.2024 registered with Gandhinagar Sector-



21 Police Station for the offences punishable under Sections 376(1) and 506(1) of the Indian Penal Code and Section 3(2) (v) of the Atrocity Act.

5. Having considered the First Information Report produced on record, keeping in mind the prayers as stated above and scope of this petition, in my considered opinion, the grievance of the petitioner appears to have been satisfied at this stage and thereby, this Court would not like to further delve into the case and the same deserves to be disposed of accordingly, however, with a hope and expectation that the Investigating Agency shall investigate the alleged offences without any fear and favour and in utmost impartial manner so as to bring the truth on the surface.

6. Needless to say that the Investigating Agency is expected to investigate the offence without being influenced by the inquiry which was undertaken prior to lodgment of the present First Information Report, as the said inquiry has no legal sanctity in the eye of law.

7. With this hope and expectation, present petition stands disposed of.

V.J. SATWARA

(NIRAL R. MEHTA,J)