



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 23843 of 2017

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR.JUSTICE P. M. RAVAL

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Approved for Reporting	Yes	No
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PARAGJI BHARATJI DETROJA
Versus
STATE OF GUJARAT & ANR.

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Appearance:

A S TIMBALIA(7372) for the Applicant(s) No. 1

K M ANTANI APP for the Respondent(s) No. 1

RULE SERVED for the Respondent(s) No. 2

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CORAM: HONOURABLE MR.JUSTICE P. M. RAVAL

Date : 07/10/2026

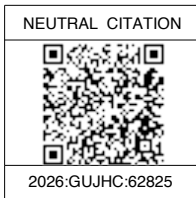
ORAL JUDGMENT

1. Leave to amend.

2. By way of the present petition, the petitioner has prayed to quash and set aside the impugned FIR being CR No. I/91/2017 registered with Vidyanagar Police Station, Anand, on 23.06.2017 for the offences punishable under Sections 363 and 366 of the IPC and Section 18 of the POCSO Act, with other consequential proceedings arising therefrom.

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

3.1 That Original Complainant have two sons and one daughter. His daughter named XXXXXXXXXX born on 22.08.1999. On 22.06.2017,



his daughter went to college but even at 5 o'clock she did not come back.

3.2 That when the Original Complainant had made an inquiry, found that the present petitioner was also not there at his residential place.

3.3 That Original Complainant came to know that the certificates of his daughter was also missing. Hence, the Original Complainant has registered the complaint against the present Petitioner for the abovementioned offences.

4. Learned Advocate Mr. A.S. Timbaliya for the petitioner would submit that the petitioner is falsely implicated in the crime which he has never committed.

4.1 That the Petitioner and the daughter of the complainant were having a love affair and that the victim had voluntarily accompanied the petitioner and got married after attaining the age of marriage on 06.09.2017, whereas her birthday is 22.08.1999 and the alleged date of offence is 22.06.2017; thus, she was aged 17 years and 10 months at the time of offence. Thus, this is the case of a love affair and, when the victim herself voluntarily left the house of her parents, no role can be attributed to the petitioner under Sections 363 and 366 of the IPC, inasmuch as the victim herself had executed the Affidavit in support of the petitioner, stating that she had a love affair with the present petitioner and his father was pressuring her to get married to an unknown third person, which she did not agree to,

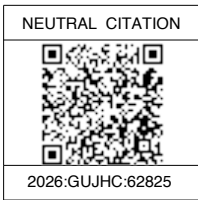
and therefore, she left the house of her parents at her own sweet will and had taken shelter at her friend's house and, after attaining the age of majority, married the present petitioner.

4.2 Thus, it is argued to allow the present petition.

5. Though served, none appears for Respondent No. 2 – Original Complainant.

6. Per contra, learned Additional Public Prosecutor would submit that since the stay was granted, no further investigation was carried out; however, considering the averments made in the FIR and considering the age of the victim, a prima facie strong case under Sections 366 and 363 of the IPC and Section 18 of the POCSO Act 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 executed by the victim in support of the accused, which is placed on record at Annexure C, page No. 13 onwards, 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 and also considering the fact that the victim had a love affair with the present petitioner and, as per the affidavit, the father of the victim was pressuring her to get married to some other person, she left the house of the father voluntarily. Under such circumstances, no case under



Sections 363 and 366 of the IPC and Section 18 of the POCSO Act is made out.

8. In view of the above, the captioned petition stands allowed. The impugned FIR being CR No. I/91/2017 registered with Vidyanagar Police Station, Anand, on 23.06.2017 for the offences punishable under Sections 363 and 366 of the IPC and Section 18 of the POCSO Act, 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.

MMP

(P. M. RAVAL, J)