

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
WWW.LIVELAW.IN
R/CRIMINAL MISC.APPLICATION NO. 22422 of 2021

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SHABBIRBHAI BAKERYWALA (PATEL SABIR MOHAMMAD)
Versus
PRAVINBHAI VASANTBHAI VASAVA

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Appearance:

MR SR SHARMA(5686) for the Applicant(s) No. 1,2,3,4
MS. YASHMA R MATHUR(6374) for the Applicant(s) No. 1,2,3,4
for the Respondent(s) No. 1
MS SHRUTI PATHAK, APP for the Respondent(s) No. 2

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA

Date : 21/12/2021

ORAL ORDER

1. Heard Mr. Percy Kavina, learned Senior Advocate assisted by Ms. Yashma Mathur, learned advocate for the applicants.
2. This application has been filed for quashing of FIR registered with Aamod Police Station, District: Bharuch for the offence punishable under Sections 120(b), 153B(1)(C) and 506(2) of the IPC and Section 4 of Gujarat Freedom of Religion Act.
3. Mr. Kavina, learned Senior Advocate for the applicants would submit that there is a gross delay in filing the present FIR which clearly suggests that the FIR is an afterthought and filed with a motive to harass the present applicants. Referring to Section 6 of Gujarat Freedom of Religion Act, it is submitted that the prosecution under the Act is barred as previous sanction of the District Magistrate is necessary.

4. In view of the contentions raised by learned Senior Advocate, let notice be issued returnable on **10.01.2022**. Learned APP waives service of notice for and on behalf of the respondent-State.

5. Learned APP shall take necessary instructions and submit a report on the next date of hearing.

TAUSIF SAIYED

(ILESH J. VORA,J)