

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 5349 of 2025**

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ASHWINKUMAR GOVINDBHAI PRAJAPATI

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR. MAULIK M SONI(7249) for the Applicant(s) No. 1

MS JIRGA JHAVERI, APP for the Respondent(s) No. 1

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**CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**

**Date : 12/06/2025**

**ORAL ORDER**

1. By way of this petition, the petitioner has prayed for quashing and setting aside the Notice dated 24.03.2025 issued under Section 179 of the BNSS by respondent No.2 to the petitioner and calling upon him to appear before respondent No.2 in a crime in which he represented the accused.

2. Perused the report dated 11.04.2025 prepared by Mr. D. R. Patel, ACP, SC/ST cell 2, Ahmedabad City, whereby it reveals that the offence has been registered at Odhav Police Station, Ahmedabad, being C.R.No. 11191037250276/2025 and for the purpose of investigation, witness summons under Section 179 of the BNSS/ Section 160 of Cr.P.C. came to be issued to the applicant. It further appears that though the applicant did not respond to the said summons and approached this Court on 01.04.2025 and due to non-cooperation on the part of the applicant, further investigation is stalled.



3. In view of the above, as summons has been under Section 179 of BNSS in the capacity of witness and the authority has power to investigate the offence, no case is made out to entertain present petition. Further, there is no violation of fundamental right of the petitioner under Article 226 of the Constitution of India.

4. Accordingly, present petition is disposed of.

**(HASMUKH D. SUTHAR,J)**

SUCHIT