

GJVD040009912025



सत्यमेव जयते

**IN THE COURT OF ADDL. CHIEF JUDICIAL MAGISTRATE, PADRA,
VADODARA**

Cr.Eq No.22/2025

Complainant : **Viraj Chiragbhai Jadav,**
Aged : 27,
Resides at : 46-Ghanshyam Nagar Society, Near New Bus Station,
Padra, Dist.Vadodara.

Versus

Respondent : **1. Samirbhai Nandlal Shah,**
Resides at : Navgari, Gandhichowk, Padra, Dist.Vadodara.

2. Kaumilbhai Samirbhai Shah,
Resides at : Navgari, Gandhichowk, Padra, Dist.Vadodara.

3. Megh Rajeshbhai Shah,
Resides at : Krushnakunj Society, Padra, Dist.Vadodara.

4. Nikhil Harishbhai Maheshwari,
Resides at : Arihant Bungalows, Padra, Dist.Vadodara.

APPEARANCE :

Ld. Advocates **Mr. D. M. Prajapati & Ms. Janki Patel** for the complainant.

Order under Exh.1

(Application for Registration of FIR and Investigation)

1. Present application/complaint is filed by Viraj Chiragbhai Jadav for appropriate action for offences punishable under Sections-323, 365, 364A, 392, 384, 386 and 114 of Indian Penal Code, 1860 (hereinafter referred as “IPC”) and its investigation.
2. It is submitted in the application/complaint that on 08.05.2024 at about 08:30 PM, the time when complainant used to return from office everyday, all the four accused came to complainant’s home **for the recovery of amount, which was given by accused No.1 to complainant.** Accused No.1 used abusive language to complainant’s father and demanded amount from him. Accused also threatened him to kill complainant. Complainant’s father got scared and asked complainant who was not at home, to not to come to home. On the same day, at about 11:15 PM, while complainant was returning to Padra, accused stopped him near Padra Petrol Pump and used vulgar abusive language for him. Accused Nos.1 and 2 holded the complainant through his collar and snatched away key of the Bike of the complainant. They forcefully dragged complainant in their Swift Car bearing No.2232. **They took him to his home in his society and beaten him in front of his parents, family members and residents of society.**
- 2.1 **From there, they again forcefully made him sit in the backseat of the Swift car and accused Nos.1 and 4** sat on both the sides of the complainant. Kaamil sat on driver seat, whereas Megh Shah sat on the seat next to him. Accused threatened complainant’s father to forget his son. In the Swift car, accused were beating complainant and when they reached near J. P. Road Police Station, accused Nos. 1 and 4 snatched complainant’s mobile of Redmi Company. They also robbed complainant’s two cheques bearing Nos.000029 and 000030 of Bank of Baroda which were signed by the complainant, from the complainant. They looted the cheque by showing knife to the complainant. Near J. P. Road Police Station, accused called someone to hand him over the complainant.

- 2.2 In between that, complainant found opportunity and he pushed accused No.3 out of the Swift car and escaped from there by the same car. When he reached to Nizampura, he talked to his father through cell phone of an unknown pedestrian. His father informed him to come to Padra and complainant's brother had called Police Control Room and had dictated the complaint. Complainant reached to the Police Station. Accused Nos. 1 and 2 also reached to Padra Police Station. **Because complainant was drunk and had consumed liquor.** Therefore, he was intoxicated. Hence, when Police asked him for compromise, complainant made the compromise.
- 2.3 Complainant moved written complaint dtd.16.05.2024 to Police Station, Padra regarding the incident of dtd.08.05.2024. But no action was taken by the Authority and complainant was brought under political pressure to settle down the matter. But, on 17.05.2024, complainant filed written complaint to the Deputy Superintendent of Police, Vadodara-Rural. On 18.05.2024, complainant also e-mailed Shri D.G.P. from jadavyugrajsinh2004@gmail.com to dgpscr@gujrat.gov.in requesting to order the Police to register the FIR. On 18.05.2024, complainant sent a message to Range I.G. regarding the complaint (mode of message is not noted). Thenafter also, on 20.05.2024 and 21.05.2024, messages were sent to Shri I. G. In spite of such attempts of complainant, complaint was not registered by the Police and it was treated as application only. No legal action was taken against the accused.
- 2.4 It is further stated that on 11.06.2024, complainant knocked the doors of the Hon'ble the High Court of Gujarat by way of R/SpCA No.6592/2024. Hon'ble the High Court of Gujarat in its order dtd.23.08.2024, taken into consider the legal principles laid down in case of *Lalita Kumari v. State of U.P. and ors.* (AIR 2014 SC 187) and the *State Of Telangana vs Habib Abdullah Jeelani & Ors* (2017)2 SCC and directed the Police Inspector, Padra to register the complaint moved by the complainant on 16.05.2024, within 4 weeks. Even after the expiration of the said period, complaint was not registered. And therefore, on 20.09.2024, complainant again moved written complaint to Police Station, Padra. But again, no action was taken by Police Station, Padra and therefore, on

09.11.2024, complainant moved reminder application to Shri Dy.S.P., Vadodara-Rural requesting to order the Police to register the complaint.

2.5 It is further noted in the application/complaint that despite of having clear direction by the Hon'ble the High Court of Gujarat, complaint was not registered within time. Only statements of accused have been recorded and in collusion with accused, stereotype report has been filed. Police has not recorded statements of any other persons supporting the complaint nor has taken into consideration any electronic evidence like CCTV Footage. Also in course of investigation, Police has not seized robbed mobile phone and cheques. Thenafter, complainant filed R/SpCA No.1423/2025 in the Hon'ble the High Court of Gujarat. Wherein it was held that the Hon'ble the High Court of Gujarat is also not satisfied with the report of Investigating Officer. Hon'ble the High Court of Gujarat also gave liberty to the complainant to file application/complaint before the competent Court. Even though complainant had given written complaint as contemplated u/S.154(3) of the Code of Criminal Procedure, 1973 no action till date has taken by Police. Therefore, complainant has prayed for appropriate action against accused u/Ss.- 323, 365, 364A, 392, 384, 386 and 114 IPC.

3. With the complaint, complainant produced following documentary evidences in xerox;

Mark 3/1 - Aadhar Card of Complainant.

Mark 3/2 - Received copy of first complaint moved to the Police Station, Padra on 16.05.2024.

Mark 3/3 - Samajyaadi given by the Police Station, Padra on 16.05.2024.

Mark 3/4 - Complainant's statement dtd.17.05.2024.

Mark 3/5 - Screenshot of Whatsapp messages dtd.18.05.2024 and 20.05.2024 sent to the Range I.G., Vadodara and the Dy.S.P.

Mark 3/6 - Screenshot of e-mail dtd.18.05.2024 sent to the D.G.P., Vadodara.

Mark 3/7 - RTI of complaint submitted to the Dy.S.P., Vadodara on 17.05.2024.

Mark 3/8 - Order of the Hon'ble the High Court of Gujarat in R/SpCA No.6592/2024.

Mark 3/9 - Received copy of second complaint moved by complainant to the Police Station, Padra on 20.09.2024.

Mark 3/10 - Reminder application dtd.09.11.2024 sent to the Dy.S.P., Vadodara.

Mark 3/11 - Progress Report dtd.20.11.2024 submitted by the Investigating Officer.

Mark 3/12 - Order of the Hon'ble the High Court of Gujarat in R/SpCA No.1423/2025.

Mark 3/13 - Electronic evidence (Pendrive).

4. Complainant has produced Affidavit and Written Arguments at Exhs.7 and 8 respectively, wherein he had re-produced all the facts mentioned in the complaint.
5. On receiving the application/complaint, Yaadi was sent to the Police Station and progress report, if any, was asked. **Progress Report is produced at Exh.5.** It is noted in the progress report that applicant (complainant) had filed application to register the complaint. The said application was investigated and it was found that applicant had illegally filed the application without any genuine reason. Applicant's submissions were found baseless. Therefore, it was disposed of. **It is pertinent to note here that, none of the papers of investigation or statements recorded by Investigating Officer, if any, are produced with the said Report.**
6. Heard Ld. Advocate Ms. Janki Patel for the complainant. She has argued as per the contents of the application/complaint and allegations which are already noted above and hence, not repeated here. Court has asked her query regarding complainant being drunk, as noted in Exh.1, at the time of making compromise at the Police Station, Padra on 08.05.2024, where he was present with his brother. In reply, Ld. Advocate Ms. Janki Patel has submitted that it is accepted and admitted fact that complainant was drunk at that time. Complainant is ready to face prosecution for that, if it is ordered so.
7. Present complainant has filed application/complaint before this Court on 28.03.2025 in respect of the so-called crime committed on 08.05.2024 and had asked appropriate action for the offences u/Ss.323, 365, 364A, 392, 384, 386 and 114 IPC. As the case is filed after

01.07.2024, another application is given to read the said sections as per the provisions of Bharatiya Nyay Sanhita, 2023.

8. Looking to the record, legal provisions and arguments of the Ld. Advocate for the complainant, and in light of the facts of the complaint, it would be justifiable to note here certain specific issues of present complaint. It is the submission of the complainant that;

- On 08.05.2024, at about 8:30 PM, accused went to complainant's home which is in a society and there, they behaved in illegal manner with complainant's father.
- After that, complainant's father called and asked him not to return home.
- At about 11:15 PM, complainant was caught by accused near Petrol Pump, Padra and accused behaved in illegal manner with him.
- From there, accused kidnapped him in their Swift car.
- After kidnapping, they took him to his own society and they beat him there, at complainant's own home.
- From there, they again kidnapped him in their Swift car and robbed his mobile.
- Near J. P. Road Police Station, Vadodara complainant pushed accused No.3 out of the Swift car and by that car, he escaped from there.
- After some distance, complainant talked to his father through the cell of a pedestrian.
- His father informed him to go to Padra Police Station where his brother had filed a complaint.
- And surprisingly, complainant compromised with the accused because he was drunk.
- After that, on 16.05.2024, he again moved written complaint to the Police Station, Padra regarding the incident of 08.05.2024.

8.1 Looking to the above sequences, complaint being drunk at the time of compromise with accused on 08.05.2024 at Police Station, Padra is very significant and it gives strong and wide space for evaluating the entire chain of events in different manner other than what is

submitted by the complainant and other than the way, the complainant wants to appreciate his complaint. Following are the serious doubts;

- When did complainant consumed liquor and became drunk or intoxicated ?
- Whether he consumed liquor by his own choice or by force of someone else ?
- Whether after drink, he was capable to understand facts and to manage his acts ?
What was the level of intoxication ?
- What was the level of decision power of the complainant during the period of events ?
- Complainant's father called him at about 8:30 PM. If complainant had consumed liquor prior to that, how he managed to reach to Padra at about 11:30 PM ?
- If he was drunk at that time, how he could bear beating of accused at his home. And after that, in the car by which he has alleged to have been kidnapped by the accused ?
- If he was intoxicated, how he managed to push accused No.3 from the car and how he escaped from there by the car of accused ? (decision power)
- If he successfully escaped from there, how he took the decision to talk to his father through cell of one pedestrian ?
- If above sequences are believed as per the submission of complainant, how and why it should be believed that he was not in the position at Police Station, Padra to take sound decision regarding his own complaint and allegations ?
- Compromise is of dtd.08.05.2024. Whereas, another complaint was moved on 16.05.2024. It is not the submission of the complainant that he was again subjected to illegal behaviour by the accused and therefore, he wanted to press his complaint. But it is the submission of complainant that he was intoxicated on 08.05.2024. Therefore, he had signed the compromise.
- After 08.05.2024, when did complainant attained full soundness of mind ?

8.2 Above issues are serious. They are presented in such a manner that *prima-facie* it seems that complainant has not submitted facts truthfully.

- 9 For the above reasons, this Court has serious doubts for the complaint being genuine. **Further, though it is the submission of the complainant that he had borrowed amount from the accused. And for its recovery they did all the impugned acts. But complainant has willfully not drafted either amount or the period when he borrowed money.** Therefore, it seems justifiable and legal to order for inquiry by the Court as prescribed u/Ss.223 and 225, etc. of Bharatiya Nagarik Suraksha Sanhita, 2023. Resultantly, following order is passed under Exh.1;

ORDER

1. Ordered to issue process to the complainant in view of Section-223 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for his examination before Court.
2. Complainant shall proceed in accordance with the provisions for Private Complaint before the Court.

Pronounced and signed in open Court today on June 25th, 2025.

Date: 25.06.2025

**(Dr. Manjudevi Shardaprasad Pande)
Addl. Chief Judicial Magistrate,
Padra, Vadodara.
Code No.GJ:00860**