

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 312 of 2022****With****CRIMINAL MISC.APPLICATION (DIRECTION) NO. 1 of 2022****In R/SPECIAL CRIMINAL APPLICATION NO. 312 of 2022****With****CRIMINAL MISC.APPLICATION (FOR VACATING INTERIM RELIEF) NO.
2 of 2024****In R/SPECIAL CRIMINAL APPLICATION NO. 312 of 2022**

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MOHAMMADISHAQ HABIBBHAI SOFAWALA**Versus****STATE OF GUJARAT & ORS.**

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Appearance:**MR TUSHAR L SHETH(3920) for the Applicant(s) No. 1****MR MOHDDANISH M BAREJIA(10612) for the Respondent(s) No. 4,5****MR. KARAN U VYAS(6992) for the Respondent(s) No. 6****MS DHRUMA U VYAS(6850) for the Respondent(s) No. 6****NOTICE SERVED for the Respondent(s) No. 2,3****MR. DHAWAN JAYSWAL, APP for the Respondent(s) No. 1**

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 27/01/2026****ORAL ORDER**

1. By filing the present Petition, the Petitioner has prayed for quashing and setting aside the order dated 31.01.2020 passed by the Executive Magistrate, Surat City Adajan in Case No. 7 of 2013 as well as the order passed by the learned Sessions Court in Revision Application No. 25 of 2021.

1.1 As per the order dated 31.01.2020 passed by the Executive Magistrate, the Petitioner herein had been restrained from entering into the premises.

1.2 Being aggrieved by the same, the Petitioner had preferred the Revision Application before the learned Sessions Court which was also dismissed by the learned Sessions Court.

2. Parallel to the proceedings under Section 145 of Cr. P.C., the civil proceedings are also going on between the parties and a Civil Suit being RCS No.1121 of 2015 was instituted by the Petitioner against the other side and against the judgment and decree passed by the learned Civil Court in the said Civil Suit, the Petitioner has approached the learned District Court by filing Regular Civil Appeal No 190 of 2023. In the said Appeal the appellate court on 17.04.2025 has passed the following order.

“Heard the Ld. Advocate for the Appellant, there is decree passed by the Ld. Trial Court with respect to handing over possession of suit property. And the decree is merely declaratory decree, so the possession of the Appellant over the suit property is undisputed. The Respondents are hereby restrained from interfering with possession of suit property until further orders of the Court. None is appeared for the Respondent no.1. The Respondent no2 has appeared through his Ld. Advocate today after long delay.”

2.1 In view of the said order, the order passed by the Executive Magistrate under Section 145 of Cr. P.C. has lost its significance.

2.2 Having regard to this aspect, the orders impugned in the present Petition have become redundant and are no more in force. Hence, the Petition is disposed as having become infructuous.

3. Both the Criminal Misc. Applications stand disposed of accordingly.

J.N.W / 132

(M. R. MENGDEY,J)