

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 827 of 2022**

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THAKARSHIBHAI GANGARAMBHAI LAKUM
Versus
STATE OF GUJARAT

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Appearance:

MR Y J PATEL(3985) for the Applicant(s) No. 1,2,3,4,5
for the Respondent(s) No. 2
MR LB DABHI, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI

Date : 31/01/2022

ORAL ORDER

It is submitted by learned advocate for the applicants that the applicants have purchased the land in question in the year 1997 by registered sale deed. Thereafter, recently the applicant nos.1 and 3 have filed Regular Civil Suit No.91 of 2021 before the concerned civil Court against the original land owners, copy of the plaint is produced at page no.87 of the compilation. Now, some of the original defendants have sold the land in question in favour of the present respondent no.2-original first informant and therefore the applicant nos.1 and 3- original plaintiffs have filed application before the concerned civil Court for joining respondent no.2 herein as party defendant. The said application is allowed and now the respondent no.2 has filed the impugned FIR in December, 2021. Thus, the impugned FIR is nothing but a gross abuse of the process of the Court wherein the applicant has been falsely implicated.

In view of the aforesaid submissions canvassed by learned advocate for the applicants, Notice returnable on 9.6.2022. Learned APP waives service of notice for respondent-state. Till next date of hearing, no

coercive steps shall be taken against the present applicants. However, it is open for the investigating officer to proceed further with the investigation. Direct service, to be served through concerned police station, is permitted.

(VIPUL M. PANCHOLI, J)

SRILATHA