

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) 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

NOTICE SERVED for the Respondent(s) No. 2

MR. H.K. PATEL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE A.Y. KOGJE

Date : 09/10/2023

ORAL ORDER

1. Though the notice is served, pursuant to the order dated 31-01-2022 of this Court, the respondent No.2 – the complainant has not so far appeared before this Court.

2. Learned Advocate for the applicants has submitted that there appears to be further development after the first order passed by this Court and therefore, proposed the Draft amendment.

3. Accordingly, the Draft amendment is allowed. To be carried out forthwith.

4. Learned Advocate for the applicants by way of the amendment, has placed on record Final Report under Section-173 of Cr.P.C. and has indicated from the gist of the charges that even from the charge-sheet

papers, the Investigating Officer has referred to the transaction pertaining to the land in question, which was by way of registered Sale-deed.

5. It is submitted that apparently, as the Revenue record was not mutated on the basis of registered Sale-deed, the complainant seems to have taken advantage and has later on entered into subsequent transaction pertaining to the same land.

6. In that view of the matter, issue **RULE** returnable on **28-11-2023**. In the meantime, interim order dated 31-01-2022 passed by this Court is hereby confirmed and the interim relief as prayed for in the Prayer Clause-(BB) is hereby granted.

Direct Service is permitted.

PARESH SOMPURA

(A.Y. KOGJE, J)