

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION NO. 748 of 2021**

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MANISHKUMAR BHAGVANBHAI PATEL

Versus

STATE OF GUJARAT

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Appearance:

MR P P MAJMUDAR(5284) for the Applicant(s) No. 1

for the Respondent(s) No. 2

Mr. Ronak Rawal, APP (2) for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR. JUSTICE B.N. KARIA****Date : 29/01/2021****ORAL ORDER**

By way of this application, the applicant has prayed to quash and set aside the FIR being CR No. 11191067200154 of 2020 registered with Cyber Crime Police Station, Ahmedabad City for the offence punishable under Sections 354D and 500 of the Indian Penal Code, 1860 as well as Sections 66(c) and 67 of the I.T.Act.

Heard learned advocate for the applicant.

Learned advocate for the applicant submits that as per the FIR itself, the alleged offence was committed during the period between 30.9.2020 to 25.11.2020 and the FIR for the same was registered on 25.11.2020. That, there is a huge delay in registering the present FIR against which the respondent No.2 has not given sufficient explanation. That, on 27.10.2020, the legal notice was sent by the applicant to the respondent No.2 stating that in the year 2017, the respondent No.2 has approached the applicant for the purpose of availing financial

help for her daughter's marriage which was performed on 18.3.2017. That, the applicant gave two cheques of Rs.49,000/- each drawn on State Bank of India to the respondent No.2 on promise to return the said amount on time. Thereafter, on 1.4.2017 and 3.4.2017, a sum of Rs.25,000/- on each date was also transferred to the account of respondent No.2 lying with the State Bank of India, Deodar Branch from the bank account of the applicant. That, the applicant has also given the cash amount of Rs.1,00,000/- to the husband of the respondent No.2. Thereafter, time and again, the applicant demanded the aforesaid amount from the respondent No.2 but, request of the applicant was not acceded to and threaten was given to the applicant. That, on 14.11.2020, the applicant has also given a written complaint to the Police Sub-Inspector, Sola Police Station reiterating the aforesaid facts. That, when the applicant threatened to lodge complaint against the respondent No.2, a false complaint was filed against the applicant. That, the applicant was released on bail by the police authorities.

Issue requires consideration.

Rule returnable on 26.3.2021. Learned APP waives service of notice of rule for and on behalf of the respondent -State.

For respondent No.2, the applicant is permitted to serve through concerned police station.

No charge-sheet shall be filed against the present applicant by the Investigating Officer till returnable date. The applicant shall co-operate with the investigation.

Registry is directed to send a copy of this order to the concerned police station through Fax/Email.

BEENA SHAH

(B.N. KARIA, J)