

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CRIMINAL APPLICATION NO. 789 of 2023**

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PARSHOTTAMBHAI NANJIBHAI BODA  
Versus  
STATE OF GUJARAT

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**Appearance:**

MR MRUNAL R DHOLARIA(11915) for the Applicant(s) No. 1  
MR. BHAUMIK DHOLARIYA(7009) for the Applicant(s) No. 1  
for the Respondent(s) No. 2  
MR DHAWAN JAYSWAL, APP for the Respondent(s) No. 1

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**CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA****Date : 19/01/2023****ORAL ORDER**

1. Heard learned advocate for the applicant.
2. By way of this application, the applicant is seeking quashment of the FIR being C.R.No.11208053230039 of 2023 registered with Rajkot Taluka Police Station, Rajkot City for the offences as mentioned in the FIR.
3. Learned advocate for the applicant would submit that in the year 2014, due to personal relation, the applicant lent money to the complainant for which he had issued cheque. He would further submit that later on, the complainant could not fulfill his promise for the payment as a result of which he again issued a

fresh cheque by acknowledging alleged transaction. He would further submitted that a fresh cheque was dishonoured and accordingly, after serving the notice, a private complaint under Section 138 of the N.I. Act is being filed against the complainant. In such circumstances, he would submit that the questioned FIR is nothing, but counter-blast is the complaint filed by the applicant herein which amount to misuse of process of law.

4. Considering the allegations levelled in the FIR and proceedings initiated under Section 138 of the N.I. Act by present applicant, this Court is of the opinion that matter deserves consideration. Let **Rule** be issued, returnable on 19.06.2023. Learned APP waives service of rule for the respondent – State. Meanwhile interim relief in terms of Para-8(C) is granted.

Rakesh

**(ILESH J. VORA,J)**