

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION NO. 1771 of 2022

=====

MAHENDRAKUMAR SOMABHAI PRAJAPATI
Versus
STATE OF GUJARAT

=====

Appearance:

MR EKANT G AHUJA(5323) for the Applicant(s) No. 1,2
for the Respondent(s) No. 2
MR L B DABHI, APP for the Respondent(s) No. 1

=====

CORAM: HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI

Date : 16/02/2022

ORAL ORDER

It is submitted by learned advocate for the applicants that the impugned FIR is nothing but gross abuse of process of the Court. In support of the said contention, learned advocate for the applicants submitted that for the alleged transaction which had taken place in the year 2017, FIR is lodged after a period of 5 years i.e. in December, 2021. It is further submitted that for the cheques which are referred in the impugned FIR, present applicant No.2 has already filed complaint against the respondent No.2 - complainant under Section 138 of the Negotiable Instruments Act in the year 2019. Thus, with a view to take defence in the said proceedings, now the impugned FIR is filed.

In view of the aforesaid submissions, issue notice to the respondents returnable on 15.06.2022. Till the

next date of hearing, it is open for the investigating agency to proceed further with the investigation, however, charge-sheet shall not be filed against the present applicants without prior permission of this Court.

LAVKUMAR J JANI

(VIPUL M. PANCHOLI, J)