

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 1412 of 2024**

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NARESHBHAI KESHRICHAND NAINANI

Versus

YOGESHBHAI @ MOHANBHAI NARANBHAI KRIPLANI

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Appearance:

MR RJ GOSWAMI(1102) for the Applicant(s) No. 1

for the Respondent(s) No. 1

MR MANAN MEHTA, APP for the Respondent(s) No. 2

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CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR****Date : 02/02/2024****ORAL ORDER**

1. Heard Mr. Hardik Champavat for Mr. R.J.Goswami, learned Counsel for the petitioner.

2. By way of this petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C."), the Petitioner has prayed to quash and set aside the complaint being **FIR No.11993003231262 of 2023 registered with Anjar Police Station, Kachchh East, Gandhidham**, for the offences under Sections 406 and 120 of Indian Penal Code, 1860.

3. Learned counsel for the petitioner has submitted that the petitioner has joined the investigation pursuant to the notice issued by the investigating agency and due to business transactions, issue arose between the parties. He further submitted that as the Petitioner is involved in fruit business and he had purchased goods worth Rs.1,35,96,431/- from April 2021 to March 2022 and towards the said goods, he paid Rs.1,08,00,431/- through courier and Rs.6,06,431/- remained unpaid. In this regard, FIR came to be filed.

4. Prima facie, it appears that the dispute is civil in nature and there was business transactions between the parties. Hence, matter deserves consideration. **Rule**, returnable on **28.03.2024**. Ld. APP waives Rule for the respondent State. Respondent No.1 to be served through the concerned police station.

Meanwhile, ad-interim relief in terms of para 16 (C) is granted. Direct service is permitted.

SUCHIT

(HASMUKH D. SUTHAR,J)