

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION NO. 1416 of 2023**

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PREETI JIGNESH DALAL

Versus

STATE OF GUJARAT

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Appearance:

MR MALAVSINGH N CHAUHAN(10279) for the Applicant(s) No. 1,2

MS BHAVINI N CHAUHAN(10271) for the Applicant(s) No. 1,2

for the Respondent(s) No. 2,3

MR BHARGAV PANDYA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA**Date : 31/01/2023****ORAL ORDER**

1. Heard Ms. Bhavini Chauhan, learned advocate for the applicants.

2. This application is filed for quashing of FIR registered with Sola High Court Police Station, Ahmedabad City for the offences as mentioned in the FIR.

3. Ms. Chauhan, learned advocate for the applicants would submits that, in order to pressurize the applicants to repay the loan amount advanced by wife of the complainant, the questioned FIR is being lodged which is nothing but an abuse of process of law. She would further submits that, the complainant being a retired police officer was having all the knowledge that the questioned car hypothecated with Axis Bank. She would further submits that, the applicants having no

role to play in the proceedings initiated by Axis Bank to recover its due amount. In such circumstances, she would submit that, the questioned FIR is filed with oblique motive.

4. Having considered the contentions raised by learned advocate for the applicants and on perusal of the contents of FIR, prima-facie, it appears that, the applicants failed to repay the personal loan advanced by wife of the complainant for which the dispute is going on before the concerned Court. In such circumstances, case is made out to have interim relief in favour of the applicants.

5. Let **Rule** be issued returnable on **26.06.2023**. Learned APP waives service of rule for the respondent-State. Meanwhile, with continuation of investigation, the investigating officer shall not file charge-sheet against the present applicants without prior permission of this Court.

(ILESH J. VORA,J)

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