

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION NO. 2212 of 2023**

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SHIVANGIBEN D/O KANAIYALAL MOTIRAM PATEL
Versus
STATE OF GUJARAT

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Appearance:

MR SHIVANG J SHUKLA(2515) for the Applicant(s) No. 1

for the Respondent(s) No. 2

MR. J.K. SHAH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA

Date : 16/02/2023**ORAL ORDER**

1. Heard learned advocate Mr. Shivang J. Shukla for the applicant. He would submit that the applicant is practicing Advocate and Notary and preferred this petition for quashing the FIR bearing C.R. No. 11192011230029 of 2023 registered with Bopal Police Station, District - Ahmedabad Rural for the offence punishable under Sections 465, 467, 468, 471 and 120B of the IPC.

2. Learned advocate Mr. Shukla would submit that the applicant being a Notary performed her duty as contemplated under the Notaries Act, 1952. Thus, while discharge her duty, she executed alleged documents as referred in the FIR. In this context, learned advocate Mr. Shukla would submit that the proceedings is not legally maintainable against the applicant as the private complaint in writing by the authorized Officer has not been filed against the applicant.

3. Having regard to the facts and circumstances of the case and also considering the bar under Section 13 of the Notaries Act, 1952, prima-facie, it appears that the complaint against the applicant herein is not sustainable in law.

4. **Rule** returnable on **19.7.2023**. Learned APP waives service of rule for the respondent – State.

5. Meanwhile, the prayer in terms of Para 21(C) is granted. However, the applicant is directed to cooperate with the investigation. Direct service is permitted.

(ILESH J. VORA,J)

prk