

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 1451 of 2024**

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TEJA VERA CHAVDA
Versus
STATE OF GUJARAT

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Appearance:

DARSHAN M VARANDANI(7357) for the Applicant(s) No. 1
for the Respondent(s) No. 2

MR MANAN MEHTA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 02/02/2024

ORAL ORDER

1. Heard learned advocates for the respective parties.
2. By way of this application under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C."), the applicant has prayed to quash and set aside the complaint being **FIR No.11993004230820 of 2023 registered with Bhachau Police Station, Kachchh East Gandhidham** , for the offences under Sections 465, 467, 468, 471, 474 and 120B of the IPC and all the consequential proceedings arising therefrom.
3. Learned advocate for the applicant has submitted that present petitioner is a *bona fide* purchaser. It is undisputed fact that the present respondent No.2-original Complainant is rightful owner of the suit property and accused Nos.2 and 3 stood as witnesses while complaint is filed against unknown person, who joined as accused No.4, who is vendor of the said property. Considering the aforesaid fact, complaint came to be filed and

one civil proceedings being Regular Civil Suit No.62 of 2023 is filed by the respondent No.2-original Complainant. Thereafter, summon was served and present petitioner-accused appeared as he has impleaded as a defendant and he has admitted that he has no objection, if the sale-deed declared annulled or cancelled.

4. Considering the fact that he has not claimed any right, title and interest in the said suit property and even he is ready and willing to relinquish his right qua suit property. Even, the petitioner has been deceived by someone, he has approached the police authority by way of complaint dated 31.01.2023 and subsequently the present complaint came to be filed.

5. Considering the aforesaid fact, the present application deserves consideration.

Hence, **Rule**, returnable on **28.03.2024**. Learned APP waives service of notice of rule on behalf of respondent-State.

Private respondent to be served through concerned Police Station.

6. Interim relief, in terms of para11 (B) is granted till then.
Direct service is permitted.

KUMAR ALOK

(HASMUKH D. SUTHAR,J)