

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 2667 of 2025

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RAVIKUMAR BIPINCHANDRA BAROT ALIAS BRAHMBHATT
Versus
THE STATE OF GUJARAT & ANR.

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Appearance:

MR RASESH H PARIKH(3862) for the Applicant(s) No. 1
MR.HEMANG H PARIKH(2628) for the Applicant(s) No. 1
MR. CHINTAN DAVE, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE SANDEEP N. BHATT

Date : 07/02/2025
ORAL ORDER

[1] Heard learned advocate for the applicant and learned APP for the respondent State.

[2] Learned advocate for the applicant has drawn my attention towards the FIR as well as counter of charge-sheet and has submitted that the applicant, who was a practising advocate and at present living in USA is arraigned as an accused in the FIR, which is filed under the provisions of Sections 420, 465, 467, 468, 471, 472, and 193 of the I.P.C., whereby the alleged incident has taken place between the year 2015 to 2019 and the complaint is registered on 31.07.2020. Hence, there is almost a delay of five years for lodging of the FIR from the date of alleged incident. He has

further submitted that the role of the present applicant is to the extent that he has identified as an advocate in the alleged agreement to sell, which is in fact not acted upon. He has further submitted that considering the allegations levelled against the applicant and considering the factual aspect, no offence as alleged in the FIR can be made out against the applicant and continuation of the proceeding pursuant to the FIR would amount to an abuse of process of law as well as harassment. In support his submission that the role of the an advocate is limited and liability of the an advocate in criminal proceedings cannot be fastened on the basis that some act is done pursuant to the discharge of one's professional duty without any further evidence about the involvement of the advocate or active participation of the advocate in the alleged offence, he has relied upon the judgment of this Court in the case of **Pravin Natvarlal Mohd vs. State of Gujarat** reported in 2023 (0) ALJEL-HC 248008, and, therefore, in light of the above, he has prayed for interference of this Court.

[3] Learned APP for the respondent – State has strongly opposed the submissions made at the bar and has tendered the report received from the Mansa Police Station, whereby it is stated that though the complaint is filed in the year 2020, the applicant is not co-operating in the process of

investigation and his name is shown in column No.2. Furthermore, he has submitted that considering the totality of the facts and circumstances, and considering the fact that charge-sheet has also been filed, no relief can be granted to the applicant and, therefore, the Court may not interfere at this stage as such powers should be exercised very sparingly.

[4] Considering the fact that the FIR is filed after a certain delay and considering the fact that the role of the applicant is to the extent of identifying the person in agreement to sell executed for the property in question as well as considering the fact that the applicant is staying abroad since the year 2019, and even considering the conduct of the applicant, it cannot be said that applicant is not entitled to get any relief from this Court. Hence, as *prima facie*, case is made out in favour of the applicant, the matter requires further consideration. Let **NOTICE** be issued to the other side making it returnable on 02.04.2025. Learned APP waives service of notice for and on behalf of respondent – State.

[5] Meanwhile, interim relief in terms of para 29(B) is granted till the next date of hearing.

(SANDEEP N. BHATT,J)

DIWAKAR SHUKLA