

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 3565 of 2022**

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BIRENBHAI KURJIBHAI GOTI

Versus

STATE OF GUJARAT

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Appearance:

MR JIGAR P RAVAL(2008) for the Applicant(s) No. 1

for the Respondent(s) No. 2,3

MR LB DABHI, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI****Date : 17/03/2022****ORAL ORDER**

Heard learned advocate Mr. Jigar Raval for the applicant.

Learned advocate has submitted that the impugned FIR is nothing but a gross abuse of the process of the Court, wherein the present applicant and other family members have been falsely implicated. It is further submitted that for the alleged incident which had taken place in February, 2002, FIR is lodged in February, 2022 and thus, there is gross delay in lodging the FIR. It is submitted that the petition being Special Civil Application No.15602/2013 was filed by Rameshbhai Bhulabhai Patel and others without joining the present applicant and other accused as party respondents and, hence, an application for joining them was filed by the applicant and other accused, which was allowed. It is further submitted that the proceedings are also initiated before the concerned Dispute Redressal Committee of the concerned Electricity Company against the present applicant and other accused in the year 2015, however without disclosing the aforesaid aspects, now the impugned FIR is filed. Learned advocate has, therefore, urged that the impugned FIR is nothing but a gross abuse of the process of the Court.

In view of the above submissions, issue Notice returnable on 18th July, 2022. Learned APP waives service of notice for respondent – State of Gujarat. Till next date of hearing, it is open for the Investigating Agency to proceed further with the investigation, however, the chargesheet shall not be filed against the applicant without prior permission of this Court.

SRILATHA

(VIPUL M. PANCHOLI, J)