

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 3306 of 2020**

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ARVINDBHAI MOHANBHAI PRAJAPATI
Versus
STATE OF GUJARAT

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Appearance:

MR MAHENDRA U VORA(3034) for the Applicant(s) No. 1,2
for the Respondent(s) No. 2
MS NISHA THAKORE, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI**Date : 30/03/2021****ORAL ORDER**

1. Heard Mr. Mahendra U. Vora, learned advocate for the applicants and Ms. Nisha Thakore, learned APP for the respondent-State.

2. Learned advocate for the applicants has stated that the applicant-petitioner no.2 approached Palanpur West Police Station on 28.11.2018 by way of representation to register the FIR. The police did not register the FIR and advised to file civil suit on the ground that the entire dispute is of civil nature. It is further stated that the wife of the applicant-petitioner no.2 being owner of the suit land, filed Special Civil Suit No.38 of 2019 against the complainant and her husband. It is also stated that the Civil Suit came to be instituted on 19.11.2019 and the complainant-respondent no.2 filed the FIR against the present applicants subsequent to the filing of the Suit i.e. on 07.12.2019. It is

further stated that the representation given by the applicant-petitioner no.2 dated 28.11.2018 before the police authority has culminated into the FIR.

Having regard to the above submissions, prima facie, it appears that the submissions made by learned advocate for the applicants require consideration.

Issue **Rule** returnable on **05.07.2021**. Ms. Nisha Thakore, learned APP waives service of notice of rule on behalf of the respondent-State.

In the meantime, there shall be interim relief in terms of paragraph 7(C).

(VAIBHAVI D. NANAVATI,J)

NEHA