

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 5410 of 2022**

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UNNIKRISHNAN RAMAKRISHNAN CHIRAKOLI
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR PREMAL S RACHH(3297) for the Applicant(s) No. 1

NOTICE SERVED for the Respondent(s) No. 2

MR HK PATEL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

**Date : 16/07/2024
ORAL ORDER**

Draft amendment is allowed.

1. 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 **C.R. No.11210008212069 of 2021** registered with Sarthana Police Station, Surat for the offence punishable under Sections 285 & 114 of the IPC and Sections 3, 7 and 11 of the Essential Commodities Act and Sections 9(B)(1)(b) of the Explosive Act and all the consequential proceedings arising therefrom.

2. It appears that investigation is over and charge-sheet is filed, which is culminated into Criminal Case No.25822 of 2022 pending before the learned 7th Additional Senior Civil Judge and Additional Chief Judicial Magistrate, Surat.

3. Heard learned advocate for the respective parties.
4. It is submitted that the petitioner has no connection with Divya Enterprises and he was the owner of Libra Natural Resources Pvt. Ltd. He sold the said sto Hariom Enterprises, which in turn sold it to accused Nos. 1 and 2. The present petitioner is accused No. 17.
5. Considering the fact that as the present petitioner arraigned as an accused and he sold out the oil material, which is industrial oil.
6. Perusing the FSL report, it appears that the said material is not terms in the bio-diesel as it is hydrocarbon petroleum.
7. Considering the fact that as the present petitioner is arraigned as an accused, which is based on the vicarious liability. Considering the aforesaid fact, the present petition deserves consideration.
8. **Rule**, returnable on **14.08.2024**. Learned APP waives service of notice of rule on behalf of respondent-State.
9. Interim relief, in terms of para 8(BB) is granted till then.
10. To be heard with Special Criminal Application No. 4645 Of 2024. Direct service is permitted.

(HASMUKH D. SUTHAR,J)

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