

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 5338 of 2021**

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BHOGILAL MULCHAND JOGANI

Versus

STATE OF GUJARAT

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Appearance:

HARSHADKUMAR D PANCHAL(9015) for the Applicant(s) No. 1,2
for the Respondent(s) No. 2,3

MR. R.C.KODEKAR, APP (2) for the Respondent(s) No. 1

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CORAM: **HONOURABLE DR. JUSTICE A. P. THAKER****Date : 06/04/2021****ORAL ORDER**

Heard Mr. Harshad Panchal, learned advocate for the applicant and Mr. R.C.Kodekar, learned APP for the respondent State through video-conferencing.

Mr. Panchal, learned advocate for the applicant submits that this is a case of civil nature and entire amount is paid by the application to the complainant and he has not given any threat as alleged. He has further submitted that the applicant has already been interrogated by the Police and his statement before the police is recorded. He has further submitted that the applicant has already filed application before the concerned Police Station but the same is not been considered by the Police authority. The parties are knowing each other since many years and there is no question of any threat given by the applicant. He has requested to stay the impugned FIR and direct the concerned Authority not to take any coercive action against the application without hearing the other side.

Having considered the submissions made by learned advocate for the applicant and material placed on record, issue **Rule** returnable on 22.6.2021. Learned APP waives service of notice on behalf of respondent State. Let notice be serve to private respondent through concerned Police Station as well as through fax, email or any other suitable electronic mode.

Meanwhile, till then no coercive action be taken against the applicant subject to the condition that the applicant remains present before the concerned authority as and when summoned. In case of failure to do so, it may result into vacation of the interim relief and even rejection of the present application itself. In case of failure, the learned APP shall being the said fact to the notice of this Court.

SAJ GEORGE

(DR. A. P. THAKER, J)