

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 9487 of 2021**

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ROHIT MANOJ MANDHYAN

Versus

STATE OF GUJARAT

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Appearance:MR RAJPUROHIT R BHAWARLAL(9420) for the Applicant(s)
No. 1MR TIRTH N BHATT(8487) for the Applicant(s) No. 1
for the Respondent(s) No. 2

MS NISHA THAKORE, APP (2) for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI**Date : 29/06/2021****ORAL ORDER**

Heard learned advocate Mr. Rajpurohit R. Bhawarlal for the applicant.

It is submitted by learned advocate for the applicant that the impugned complaint is nothing but a gross abuse of the process of law. It is submitted that as per the case of the complainant, the applicant had issued the cheque on 27.12.2019 however, the said cheque was given by the applicant to the complainant for the purpose of maintenance, which was to be paid to the wife of the applicant. It is pointed out that the respondent No.2 -complainant was an advocate engaged by the present applicant for defending the maintenance proceedings which was filed

by the wife against the applicant. It is pointed out from the record that on 27.12.2019, the settlement deed was executed between the parties, copies of the relevant documents are placed on record at page No.64 of the compilation. It is submitted that when the dispute was settled with the wife, the applicant was not required to pay the said amount to the wife for which the cheque was given. It is submitted that the cheque given by the applicant to respondent No.2 - complainant has been misused by him and thereby, the impugned complaint has been filed against the present applicant. It is therefore urged that the impugned complaint is nothing but a gross abuse of the process of the court.

In view of the aforesaid submissions canvassed by learned advocate for the applicant, issue **Notice** to the respondents returnable on **21st September, 2021**. Learned APP waives service of notice on behalf of the respondent-State.

Till next date of hearing, proceeding in connection with the Criminal Case No. 1512 of 2020 pending before the learned Judicial Magistrate First Class, Junagadh is hereby stayed.

Direct service is permitted, Today.

(VIPUL M. PANCHOLI, J)

Pallavi