

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION NO. 4113 of 2021**

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HARISHCHANDRASINH PRATAPSIKH SISODIYA

Versus

THE STATE OF GUJARAT

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Appearance:

MR RUTVIJ S OZA(5594) for the Applicant(s) No. 1

MR UMANG R VYAS(5595) for the Applicant(s) No. 1
for the Respondent(s) No. 2

MR. MANAN MEHTA, APP for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR. JUSTICE B.N. KARIA**

Date : 09/04/2021

ORAL ORDER

Draft amendment is allowed. Necessary amendment shall be carried out forthwith.

By way of present application, the applicant has prayed to quash and set aside the FIR being CR No. 11209014210273 of 2021 registered with Gambhoi Police Station, Sabarkantha for the offence punishable under Sections 465, 468, 471 and 114 of the Indian Penal Code and further prayed to stay the further proceedings thereof.

Heard learned advocate for the applicant.

It is submitted by learned advocate for the applicant that Regular Civil Suit No.38 of 2006 was filed by the present applicant alongwith younger brother namely Surajmalsinh

Sisodiya and his mother-Mehtaba, widow of Pratapsingh Sisodiya before the learned Principal Civil Judge at Bhiloda against the first informant as respondent No.2 was harassing all the family members. That, family partition was executed by the in presence of elders of community to avoid any dispute amongst the brothers. That first informant is harassing all the family members by filing frivolous criminal complaints. That, offence is alleged to have been committed between year 2001 and 2003, however, the impugned FIR is lodged in the year-2021. Therefore, there is huge delay in lodging of the FIR.

Issue requires consideration.

Notice returnable on 02.07.2021. Learned APP waives service of notice for and on behalf of the respondent -State.

No coercive action shall be taken against the present applicant till the returnable date.

Investigating Officer may continue the investigation and applicant shall cooperate in the investigation.

Registry is directed to send a copy of this order to the concerned police station through fax or email forthwith.

(B.N. KARIA, J)

SUYASH