

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CRIMINAL APPLICATION NO. 6401 of 2021**

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MANOHAR SATRAMDAS PARYANI  
Versus  
STATE OF GUJARAT & 1 other(s)

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Appearance:

DILIPKUMAR U PRAJAPATI(8344) for the Applicant(s) No. 1  
for the Respondent(s) No. 2  
MS. MONALI BHATT, APP (2) for the Respondent(s) No. 1

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**CORAM: HONOURABLE MS. JUSTICE GITA GOPI****Date : 26/07/2021****ORAL ORDER**

Mr. Dilip Prajapati, learned advocate for the applicant submits that after a period of 20 years, the complaint being FIR No. 317 of 2011 dated 3.6.2011 came to be registered with Naroda Police Station, Ahmedabad. He submitted that the FIR is totally an abuse of process of law. He submits that the petitioner's father, aged about 87 years, has purchased a partly constructed house property in Saijpur Bogha, Ahmedabad with possession on 6.5.1991 by registered sale deed from one Mohanlal Hargunmal through broker named Mr. Bhikhubhai. The petitioner's father is a bonafide purchaser who after conducting inquiry had purchased the property by way of registered Sale-deed. The seller had even given the petitioner's father, the sale

deed dated 5.1.1960 and now the son of the seller has claimed the right on the property alleging that his father had died on 1.3.1991 whereas the Sale-deed was registered on 6.5.1991. he has further submitted that the Investigating Officer has not placed the death certificate in the chargesheet.

**Rule** returnable on 26.8.2021.

Learned APP waives service of notice of rule on behalf of the respondent State.

Relief in terms of Para-5(B) is granted.

SAJ GEORGE

(GITA GOPI,J)