

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION NO. 2077 of 2020**

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NAGJIBHAI KHIMJIBHAI AHIR (BALA)

Versus

STATE OF GUJARAT

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Appearance:

MR YN RAVANI(718) for the Applicant(s) No. 1,2,3

for the Respondent(s) No. 2

MS NISHA THAKORE, ADDITIONAL PUBLIC PROSECUTOR(2) for the

Respondent(s) No. 1

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CORAM: HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**Date : 22/06/2020****ORAL ORDER**

1. Heard Mr. Y.N. Ravani, learned advocate for the petitioners and Ms. Nisha Thakore, learned Additional Public Prosecutor for the respondent – State through video conference.

2. Mr. Ravani, learned advocate for the petitioners submits that earlier the complainant, that is, the respondent No.4 had approached the concerned police station by filing a complaint pursuant to which, preliminary inquiry was initiated and after completion of the inquiry, it was found that there was no substance in the complaint and accordingly, a report was submitted on 18.4.2019. It is further submitted that not once, but twice, the investigating authority, has submitted the report and has found no substance in the complaint made by the complainant, that is, the respondent No.4, against the petitioners.

3. It is further submitted that the allegations made under Sections 406 and 420 of the Indian Penal Code, even if it is believed, it is not made out inasmuch as, there is no material to show that any valuable property was handed over to the petitioners and that it has been misused by the present petitioners. It is also submitted that there are no allegations of forged signature imputed against the petitioners.

4. Issue **rule**, returnable on 13.7.2020. Ms. Nisha Thakore, learned Additional Public Prosecutor waives service of notice of rule on behalf of the respondent – State.

5. In the meantime, the investigating agency shall be at liberty to investigate the matter. However, there shall be no coercive action against the petitioners till the returnable date. The present petitioners shall co-operate with the investigation.

Binoy Pillai/ALI ISTAYAK

(SANGEETA K. VISHEN,J)