

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 3609 of 2022
With
CRIMINAL MISC.APPLICATION (FIXING DATE OF EARLY HEARING) NO.
1 of 2023
In R/SPECIAL CRIMINAL APPLICATION NO. 3609 of 2022
With
R/SPECIAL CRIMINAL APPLICATION NO. 3718 of 2022

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AIYUBBHAI IBRAHIMBHAI MANASIYA

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR HARSHIT TOLIA WITH MR ANKIT Y BACHANI(5424) for the Applicant(s)
No. 1

MR. IH SYED WITH MR S.B. MATIEDA for the Respondent(s) No. 2
MS CM SHAH APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE ILESH J. VORA

Date : 27/02/2024

ORAL ORDER

1. This Court has heard at length learned Senior Counsel Mr. Harshit Tolia assisted by Mr. Ankit Bachani, learned advocate, Mr. I.H. Syed, learned Senior Advocate assisted by Mr.S.B. Matieda, learned advocate for the respondent.

2. The affidavit-in-reply along with documentary evidence submitted in both the matters are taken on record.

3. Prior to the questioned FIR, which has been registered in the year 2018, the second respondent had filed a complaint alleging the allegations of forgery, cheating and criminal breach of trust against the applicants and others. The record indicates that, in the year 2012, the said complaint

was ordered to be 'filed' by the police as the matter was settled amongst the parties. In the questioned FIR, the opinion of the handwriting expert was sought by the IO, to establish the alleged allegations of forgery and cheating. The IO of the case obtained the documents bearing the signature of Habibbhai Chaudhary, as medically he was not able to tender his specimen signature.

4. In such circumstances, this Court is of the considered view that, the entire correspondence along with the annexures made to the scientific laboratory and its opinion is necessary to appreciate the contention made by rival parties.

5. Let the parties as well as the State is directed to assist the court on this aspect and are directed to place on record the aforesaid documents as well as the case papers of the earlier complaint. S.O to 07.03.2024.

P.S. JOSHI

(ILESH J. VORA,J)