

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 4267 of 2024**

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SARDARBHAI USMANBHAI VAGHELA & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR PRATIK B BAROT(3711) for the Applicant(s) No. 1,2,3

for the Respondent(s) No. 2

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

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**Date : 03/04/2024****ORAL ORDER**

1. Heard learned advocates for the respective parties.
2. By way of this application under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C."), the applicant has prayed to quash and set aside the complaint i.e. C.R. No.11206005230456 of 2023 registered with Bavlu Police Station, Mehsana for the offence punishable under Sections 365, 392, 341, 114 and 120B of the Indian Penal Code and all the consequential proceedings arising therefrom.
3. The learned advocate for the petitioner asserts that the present petitioners are arraigned as accused without any basis, and the TI Parade is conducted. Whatever role is attributed to the petitioner, it pertains only to Accused Nos. 5 and 6, who are not before this court. Therefore, the present petitioners have nothing to do with the offense and are falsely implicated.

4. The learned APP appearing for the respondent-State submits that the statements of Wasimbhai and Dawoodbhai are sufficient to connect the accused with the offense, and Call Detail Records (CDR) are also available.

5. After going through the statement of the Dawoodbhai, it appears that he is merely a hearsay witness with no personal knowledge about the offense. Regarding the complainant's statement, upon examining the documents on record, it appears that accused Sharukh Pathan was not found at the spot.

4. Considering the facts and circumstances of the case, the issue requires consideration. Hence, issue **RULE returnable on 25.06.2024**. Learned APP waives service of notice of Rule for the respondent-State.

5. In the meantime, **interim relief in terms of para 7(C) is granted till the next date of hearing.**

Direct service is permitted.

(HASMUKH D. SUTHAR,J)

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