

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 4971 of
2025**

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DEVABHAI RAMBHAI MIR & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

M S PADALIYA(7406) for the Applicant(s) No. 1,2,3,4

MR BHARGAV PANDYA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI**Date : 08/04/2025****ORAL ORDER**

Learned advocate Mr. Padaliya for the petitioners submits that one document in the form of agreement to sell has been executed by the petitioners in favour of respondent No.2 - original complainant by taking certain amount of consideration and thereafter disputes have been cropped up between them and therefore sale deed has not been executed. He further submits that the property was of restricted tenure and one of the conditions mentioned in the agreement is that as soon as the restriction would be removed, the property would be transferred in favour of the complainant. Thereafter, certain transactions took place and agreement to sell has not been executed between the parties. Due to some disputes cropped between the parties, respondent No.2

- complainant had instituted suit before the competent civil court in the year 2023 and after considering and appreciating the material available on record, the learned Judge has passed interim order in favour of the complainant. The said document is already placed on record. Thereafter, present FIR is filed. He further submits that if this Hon'ble Court would make cursory glance upon the allegations levelled against the petitioners in the FIR, in that event, it would have been found out that criminal colour is given to a civil dispute. He further submits that the proceedings before the learned civil Court are also pending for adjudication.

In view of the aforesaid submissions, notice returnable on 25.07.2025. Learned APP waives service qua respondent No.1 - State.

In the meantime, the investigating officer is directed to carry out investigation, however, he shall not take coercive steps against the petitioners.

(DIVYESH A. JOSHI,J)

LAVKUMAR J JANI