

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION NO. 2432 of 2020**

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VIMALBHAI MANSUKHBHAI RAJANI

Versus

STATE OF GUJARAT

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Appearance:

MR VIRAT G POPAT(3710) for the Applicant(s) No. 1

for the Respondent(s) No. 2

MS MONALI BHATT, ADDL. PUBLIC PROSECUTOR(2) for the

Respondent(s) No. 1

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CORAM: HONOURABLE MS. JUSTICE GITA GOPI**Date : 05/06/2020****ORAL ORDER**

1. Mr. Virat Popat, learned advocate for the applicant, submitted that co-accused has been granted protection by this Court vide order dated 01.08.2017 passed in Criminal Misc. Application No.18961 of 2017. It was submitted that the applicant has played no role in the alleged incident and that as per the allegations made in the first information report, the applicant was the person who was merely present at the time when the sale deed was executed. The sale consideration has also been paid. It was, therefore, submitted that the dispute between the parties is purely of a civil nature. It was submitted that since the Investigating Officer concerned visited the residence of the applicant for conducting an inquiry in connection with the said transaction, the applicant apprehends that he may be arrested and hence, the present application has been filed.

2. Ms. Monali Bhatt, learned Additional Public Prosecutor appearing for the respondent State, submitted that practically,

there was no reason for the applicant to file this application. A mere visit by the Investigating Officer concerned at the residence of the applicant would not raise any ground for seeking any protection since no notice or summons has been issued to the applicant. It was submitted that investigation into the case is at a crucial stage.

3. Heard learned advocate for the applicant and learned Additional Public Prosecutor for the respondent State. It appears from the record that the dispute between the parties is of a civil nature. Hence, **RULE**, returnable on 24.06.2020. Ms. Monali Bhatt, learned Additional Public Prosecutor, waives service of notice of rule on behalf of the respondent. In the meantime, no coercive steps shall be initiated against the applicant; however, the Investigating Officer concerned shall be at liberty to proceed further with the investigation. Direct service is permitted. Service through E-mail is also permitted.

PRAVIN / ALI ISTAYAK

(GITA GOPI,J)