

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION NO. 10431 of 2020

=====

JIMMY JAYANTIBHAI PATEL
Versus
STATE OF GUJARAT

=====

Appearance:

MR ZUBIN F BHARDA(159) for the Applicant(s) No. 1
for the Respondent(s) No. 2
MR. H.K. PATEL, APP for the Respondent(s) No. 1

=====

CORAM: **HONOURABLE MR. JUSTICE B.N. KARIA**

Date : 30/07/2020

ORAL ORDER

By way of present application, the applicant has prayed to quash and set aside the complaint registered as CR No.11822021201202 of 2020 with Navsari Rural Police Station, Dist-Navsari, under Sections 323, 504, 506(2) and 114 of the Indian Penal Code and Sections 3(1)(r) and 3(2)(v-a) of the Prevention of Atrocities Act and requested to stay the investigation of the complaint registered as CR No.11822021201202 of 2020 with Navsari Rural Police Station, Dist-Navsari till the final disposal of this application.

Heard learned advocate for the applicant.

Learned advocate for the applicant submits that the

allegations of insult alleged in the FIR against the present applicant are not sufficient to invoke the provisions under the Atrocity Act, as it would not amount to any insult as the applicant cannot be said to have insulted the complainant in any manner. He further submits that the alleged incident of insult and intimidation is alleged to have occurred in the house of the complainant, which can neither be termed as public place nor it can be said to have occurred in public view. He further submits that by making false and baseless allegations, which are devoid of any truth, the complainant has lodged the impugned FIR and arraigned the applicant as accused no.3, which is not only manifestly attended with mala fide, but the proceedings are maliciously instituted with an ulterior intention of harassing the applicant. He further submits that, in that complaint it is stated that the word “Dubla” was used and warned her of consequences if “Dublas” do not remove the obstruction from the road, which is used by accused Nos.1 and 2 for ingress and egress of their land. He further submits that, even if the uncontroverted allegations made in the FIR are

accepted in their entirety, they do not disclose commission of any offence and make out a case against the applicant. He further submits that applicant was released on bail by the learned Special Court, Navsari after investigation.

Issue requires consideration.

Rule returnable on 10.09.2020. Learned APP waives service of notice of rule for and on behalf of respondent-State.

Investigating Officer may not file charge-sheet against the present applicant without permission of this Court and applicant shall co-operate the Investigating Officer for investigation.

Registry shall forward a copy of this order to the concerned Police Station through fax or e- mail forthwith.

BEENA SHAH

(B.N. KARIA, J)