

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 7373
of 2024**

With

R/SPECIAL CRIMINAL APPLICATION NO. 7396 of 2024

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SHAH NILESHKUMAR HASMUKHLAL

Versus

STATE OF GUJARAT & ANR.

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Appearance:

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

for the Respondent(s) No. 2

MR UTKARSH SHARMA ADDITIONAL PUBLIC PROSECUTOR for
the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 27/06/2024

COMMON ORAL ORDER

1. Heard learned advocate Mr. Virat G. Popat
appearing for the petitioners.

2. Learned advocate Mr. Virat Popat points out from
the FIR that the petitioners are businessmen and
the petitioners and the deceased person were
rival in the business. All that is alleged in
the FIR was that the petitioner was instigating
other proposed customers not to buy the goods
from the deceased person as the deceased has
turned bankrupt and not to supply them the
goods. Even the plain reading of the FIR, prima-
facie indicates that whatever has happened is

out of business rivalry between the parties. Even if the version of the first informant in the FIR is believed, it does not indicate that the petitioners were directly telling something to the deceased person and all that is prima-facie seems to be hearsay. As per the FIR itself, it is stated that the petitioner used to tell all these to the proposed buyers. Therefore, prima-facie, it cannot be said that the petitioners have acted in a manner which would compel or pressurized the deceased person to commit suicide.

3. In view of that, issue **NOTICE** to the respondents, making it returnable on **7.8.2024**. Learned APP waives service of notice on behalf of the respondent - State. In the meantime, though investigation may go on, there shall not be any coercive steps against the present petitioners.

(NIRZAR S. DESAI, J)

Pallavi