

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO.8263 of  
2024

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ANIL VARDHILAL SHAH

Versus

STATE OF GUJARAT & ANR.

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**Appearance :**

MR P R NANAVALTY WITH MR VIRAJ B KHATANA for the Applicant.  
for the Respondent No.2.

MR BHARGAV PANDYA, APP for the Respondent No.1.

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**CORAM: HONOURABLE MR. JUSTICE NIRZAR S. DESAI**

Date : 05/08/2024

ORAL ORDER

Learned advocate Mr. Nanavaty points out that the applicant has purchased the plot in question in the year 2006 for which Share Certificate was also issued to the applicant and in fact, the applicant is not an accused, but he is a victim of the act of one Bishwa Corporation which was instrumental in selling plot to the applicant and even the Share Certificate to the applicant is also issued by Bishwa Corporation in the year 2006 and the said Bishwa Corporation has executed a Sale Deed in favour of the complainant as well and, therefore, the applicant who actually joined as a victim or witness and not an accused in the FIR. He further states that therefore, the applicant is required to be protected as the applicant is also a bonafide purchaser of the plot in question which has been sold twice to different persons by Bishwa Corporation.

Today, the Investigating Officer is present with the documents which has been collected by the Investigating Officer.

So far one of the document is the Sale Deed executed in favour of the complainant and on perusal from the documents, the Court finds that even the plot in question was purchased by the complainant also by executing registered Sale Deed in the year 2022 executed on behalf of Bishwa Corporation and, therefore, prima facie, there is some force in the say of learned advocate Mr. Nanavati that applicant as well as complainant both have purchased plot in question from Bishwa Corporation and, therefore, the applicant cannot be held responsible or there ought not to have been any FIR against the present applicant who is also a bonafide purchaser of plot in question.

Considering the above submission, **issue notice to the respondents returnable on 1.10.2024**. Learned Additional Public Prosecutor waives service of notice on behalf of respondent No.1 – State. Direct service to respondent No.2 through concerned Police Station is permitted.

In the meantime, there shall be ad-interim relief in terms of paragraph 17 (C) qua the applicant.

**(NIRZAR S. DESAI,J)**

SAVARIYA