

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 9617 of 2013**

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SANJIV SUMANLAL MEHTA

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR BM MANGUKIYA(437) for the Applicant(s) No. 1

MS BELA A PRAJAPATI(1946) for the Applicant(s) No. 1

DELETED for the Respondent(s) No. 2

MR RONAK RAVAL, ADDL. PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER**Date : 01/04/2026****ORAL ORDER**

1. Learned advocate Mr. B.M. Mangukiya was not present, and as the matter has been pending since 2013, this Court deems it fit to proceed with the matter.

2. This Court has passed the following order on 18.03.2026:

“At the request of learned advocate Mr. Mangukiya, the matter is kept on 20.03.2026.”

3. This Court has also passed following order on 25.03.2026:

“In the first round, colleague of learned advocate Mr.

Mangukiya requested for pass over. Thereafter, in the second session, the colleague of learned advocate Mr. Mangukiya requested for time on the ground that due to the medical emergency, learned advocate Mr. Mangukiya had to leave the Court.

In the interest of justice, the matter is kept on 01.04.2026 and shall be taken up in the first round, even if learned advocate Mr. Mangukiya would not be there.”

4. The present application is filed for quashing of the FIR registered with Lathi Police Station, Amreli against the present applicant and other accused for the offences punishable under Sections 465, 467, 468, 471, 420 and 114 of the Indian Penal Code.
5. The allegation in the FIR is that, by way of a forged document of partition amongst coparceners, the ancestral property of the first informant and his cousins came to be mutated in the names of the cousins. It is further alleged that the present applicant notarized affidavits purportedly executed by Kashiben on 07.06.2011, despite her having expired on 17.05.1999, and by Mukeshbhai, who had expired on 10.05.1992. The present application has been filed primarily on the ground that the applicant, being a notary, is protected under Section 13 of the Notaries Act, 1952, which reads as under:

“13. Cognizance of offence.-

(1) No court shall take cognizance of any offence committed by a notary in the exercise or purported exercise of his functions under this Act save upon complaint in writing made by an officer authorized by the Central Government or a State Government by general or special order in this behalf.

(2) No magistrate other than a presidency magistrate or a magistrate of the first class shall try an offence punishable under this Act.”

6. A bare reading of Section 13 makes it abundantly clear that it bars the Court from taking cognizance of an offence alleged to have been committed by a notary in the exercise or purported exercise of his functions under the Act, except upon a complaint in writing made by an officer authorized by the Central or State Government. In the present case, it prima facie appears that the acts attributed to the applicant do not fall within the legitimate discharge of his functions as a notary. Moreover, the investigation against the applicant is still at a nascent stage. Therefore, the mere registration of the FIR cannot be interdicted at this stage, as the bar under Section 13 of the Notaries Act would operate only at the stage of taking cognizance. In that background, it cannot be said that the investigation against the present

applicant is barred under Section 13 of the Act, particularly when there are allegations that the applicant had knowledge that the affidavits were executed in the names of deceased persons. Accordingly, the present application, being devoid of merits, deserves to be dismissed.

7. Resultantly, this application is dismissed. Rule is discharged. Interim relief, if any, stands vacated.

M.M.MIRZA

(M. K. THAKKER,J)