

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 10480 of 2023**

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VIKRAMSINH S/O JORUBHA JHALA

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR KISHAN N BRAHMBHATT(11382) for the Applicant(s) No. 1

MR NILESH S BRAHMBHATT(11421) for the Applicant(s) No. 1

for the Respondent(s) No. 2

MR TIRTHRAJ PANDYA, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**Date : 15/02/2024****ORAL ORDER**

1. Heard learned advocates for the respective parties.
2. By way of this application under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C."), the applicant has prayed to quash and set aside the Criminal Case No.21462 of 2023 pending before the Additional Metropolitan Magistrate Court No.35 Ahmedabad for the offence under Section 138 of the Negotiable Instruments Act, 1881 and all the consequential proceedings arising therefrom.
3. It appears for the record that the petitioner is the owner of the firm and enterprises, and the proprietor of the firm was his wife, who has since passed away. However, the case has been initiated against the present petitioner, holding him liable for the actions of the proprietor. It appears that the present petitioner initiated

proceedings against respondent No. 2 herein regarding the dishonour of the cheque under Section 406 and 420 of the IPC, wherein a settlement took place between the parties.

4. Considering the facts and circumstances of the case, the issue requires consideration. Hence, issue **RULE returnable on 24.04.2024**. Learned APP waives service of notice of Rule for the respondent-State.

5. Interim relief in terms of para 10(C) is granted till the next date of hearing. Direct service is permitted.

(HASMUKH D. SUTHAR,J)

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