

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 1783 of 2016**

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PRAKASHBHAI RAMESHBHAI VAGHARI....Applicant(s)

Versus

STATE OF GUJARAT & 1....Respondent(s)

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Appearance:

MR. HARDIK J JANI, ADVOCATE for the Applicant(s) No. 1

PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM HONOURABLE MS JUSTICE SONIA GOKANI
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Date : 29/03/2016

ORAL ORDER

1. Leave to amend the cause-title as well as the prayer clauses. Necessary amendment be carried out forthwith.

2. Earlier the petitioner had approached this Court by way of preferring Special Criminal Application No.243 of 2016 seeking lodgment of the first information report, whereby this Court vide order dated January 13, 2016, had directed the Police Inspector, Dehgam Police Station, District Gandhinagar, to look into the complaint given by

the petitioner on December 07, 2015 by the petitioner and to take decision as to whether the same discloses a cognizable offence along the line of the decision in the case of ***Lalita Kumari v. Government of U.P. and others, reported in (2014) 2 SCC 1.***

3. As no complaint had been registered, the petitioner had approached the Superintendent of Police under the provisions of section 154(3) of the Code of Criminal Procedure, 1973, who vide his communication dated January 22, 2016, had directed the Police Inspector, Dehgam Police Station, to do needful within a period of one week. Nothing had happened thereafter and in the meantime, it is the allegation of the petitioner that misusing the blank cheques, which were forcibly obtained from the petitioner, a complaint under section 138 of the Negotiable Instruments Act, 1881, had been preferred by the respondent No.2, wherein the Court of the learned Principal Judicial Magistrate, while dealing with Criminal Case No.81 of 2016, has issued the process.

4. Notice, returnable on April 19, 2016. There shall be *ad interim* relief in terms of paragraph 8(C) till returnable date.

The formal service of notice is waived by Shri J.K. Shah, learned Additional Public Prosecutor on behalf of the respondent-State.

5. Let the Police Inspector, Dehgam Police Station, report to this Court on the returnable date with the action taken report pursuant to the directions issued by the Superintendent of Police on January 22, 2016.

Direct Service is permitted.

(MS SONIA GOKANI, J.)

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