

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 2431 of 2016**

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DINESH RAGHUNATH GALKHAR & 2....Applicant(s)

Versus

STATE OF GUJARAT & 2....Respondent(s)

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Appearance:

MR PS CHAMPANERI, SENIOR COUNSEL WITH MS GR VIJAYALAKSHMI,
ADVOCATE for the Applicant(s) No. 1 – 3

MS MONALI BHATT, ADDL.PUBLIC PROSECUTOR for Respondent No. 1

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CORAM HONOURABLE MS JUSTICE SONIA GOKANI

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Date : 19/04/2016

ORAL ORDER

1. It is the say of the petitioners that during the pendency of the civil suit in relation to the very land being Regular Civil Suit No.27 of 2013 pending before the Court of the learned Additional Principal Civil Judge, Gandhidham, the complaint came to be lodged being M-Case No.1 of 2016 with Adipur Police Station in connection with the offences punishable under sections 406, 420, 465, 467, 468, 471, 120(B) and 114 of the Indian Penal Code, 1860.

2. Let a notice be issued to the respondents, returnable on June 13, 2016. Till the returnable date, no coercive steps be taken against the petitioners by the Investigating Officer qua the first information report in question. However, the investigation may continue. It is also clarified that in the meantime, the Investigating Officer shall follow the *dictum* of the Apex Court in the case of **Joginder Kumar v. State of Uttar Pradesh, reported in (1994) 4 SCC 260.**

The formal service of notice is waived by Ms. Monali Bhatt, learned Additional Public Prosecutor on behalf of the respondent No.1-State.

Direct Service is permitted qua the respondent No.2. To be served through the concerned Police Station.

(MS SONIA GOKANI, J.)

Aakar