

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**  
**CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE**  
**FIR/ORDER) NO. 5275 of 2016**

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GUNVANTBHAI VALLABHBHAI AMBALIYA....Applicant(s)

Versus

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

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Appearance:

MR SHITAL R PATEL, ADVOCATE for the Applicant(s) No. 1

MR KISHAN H DAIYA, 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 : 01/03/2016**

**ORAL ORDER**

1. Leave to substitute the copy of the first information report. Necessary substitution be carried out forthwith.
  
2. The respondent No.2-original complainant-Khurshid Dali Becharji Singanporiya lodged a first information report being I-C.R. No.4 of 2016 with Chowk Bazar Police Station for the offences punishable under sections 420, 409, 467, 468, 471 and 114 of the Indian Penal Code, 1860. It is her

case that when she noticed an advertisement dated February 17, 2016 in the daily newspaper '*Gujarat Samachar*', it was found that the land in question situated at Taluka Choryasi, District Surat, has been sold, which otherwise belongs to the respondent No.2-original complainant. The same has been bequeathed by her brought-in-law upon her son and herself.

3. Shri Shital Patel, learned counsel appearing for the applicant, has urged that the entire parcel of land admeasuring 11358 sq.mtrs. has been sold, by way of power of attorney dated August 19, 1988 executed by six owners, in favour of Shri Hemant Ramakant Dashputre. Shri Jimmy Barjorji Singanporiya himself had executed some of the sale deeds. The very parcel of the land was sold to one Shri Devjibhai Vitthalbhai on September 01, 1988. Thereafter, the said Devjibhai Vitthalbhai executed a power of attorney on July 17, 2001 in favour of Gordhanbhai Thakarshibhai Vadodariya. The said power of attorney holder Shri Gordhanbhai Vadodariya sold the said land to the applicant and others by way of registered

sale deed bearing No.3465/2012 on February 21, 2012. According to him, this is essentially a civil dispute and has no element of criminality. The first information report is filed after executing the sale deed in his favour in the year 2012.

**4. Issue notice, returnable on March 17, 2016.** No coercive action shall be taken against the applicant herein till returnable date, however, the investigation may continue.

The formal service of notice is waived by learned Additional Public Prosecutor on behalf of the respondent-State.

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

**(MS SONIA GOKANI, J.)**

*Aakar*