

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 16399 of 2024**

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MANSUKHBHAI LALJIBHAI BORAD

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR ZUBIN BHARDA, MR. KISHAN H DAIYA(6929) for the Applicant(s) No. 1

NILESH S PIPALIYA(7050) for the Applicant(s) No. 1

DEVANSH KAKKAD, LAXMANSINH ZALA for the Respondent(s) No. 2

MR DM JAYSWAL, PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI**Date : 22/08/2024****ORAL ORDER**

1. Learned Advocate, Mr. Bharda, appearing with learned Advocate, Mr. Daiya, for the petitioner submitted that a commercial dispute, relating to the accounts in respect of sale of flats, which took place in the year 2015, the impugned FIR came to be filed after a delay of about nine years, i.e. in the year 2024. It was submitted that the civil dispute is being given the colour of an offence. It was submitted that in respect of a complaint filed by the present petitioner, the complainant, herein, had appeared before the concerned PI and had stated that he has stopped going to the house of the petitioner and they are going to enter into a compromise with regard to the disputes between them. It was submitted that, though, the petitioner made aforesaid statement before the concerned PI, now, he has lodged the impugned FIR against the present

petitioner. It was, therefore, submitted that the present FIR, which is filed after a delay of about nine years, which is not explained in the impugned FIR, is nothing but the abuse of the process of law.

2. Learned Advocate, Mr. Devnsh Kakkad, for learned Advocate, Mr. Zala, for the original complainant-Respondent No.2 opposed this petition and submitted that no relief be granted to the petitioner, however, he could not dispute the fact that the FIR is filed after the delay of about nine months and that before the concerned PI, the original complainant had stated that he has stopped going to the residence of the petitioner for recovery of dues and that there is a possibility of settlement.

3. In view of the above, **Notice**, returnable on **7th October, 2024**. Learned APP waives service for the Respondent-State.

3.1 In the meantime, though, the investigation may go on, no coercive action shall be taken against the petitioner.

UMESH/-

(NIRZAR S. DESAI,J)