

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 17604 of 2022**

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VIJAYBHAI RAMJIBHAI DESAI

Versus

STATE OF GUJARAT

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Appearance:

MR MJ MEHTA(5797) for the Applicant(s) No. 1

MR SAURABH J MEHTA(2170) for the Applicant(s) No. 1

HCLS COMMITTEE(4998) for the Respondent(s) No. 2

MS NILAM N CHAUHAN(6635) for the Respondent(s) No. 2

MS CM SHAH APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA**Date : 18/01/2024****ORAL ORDER**

1. Draft amendment is granted. Same shall be carried out.
2. Heard Mr. Saurabh J. Mehta, learned advocate for the applicant.
3. The applicant has been arraigned as an accused no. 6 in the offence punishable under Sections 384, 323, 294(B), 506(1), 114 of IPC registered with Ramol Police Station.
4. By way of this quashing petition, the applicant has prayed that he has been wrongly implicated in the offence and as such, the son of the complainant had never borrowed the money from the applicant. On perusal of the contents of the FIR, it prima-facie, appears that, niece of applicant was having friendship with son of the complainant and due to their relationship, they entered into transaction as alleged in the FIR.

5. In that view of the matter, this Court is of the considered view that matter deserves consideration. It is reported that chargesheet has filed before the Court concerned and same is culminated into CC No. 321 of 2023. Hence, **Rule**, returnable on 15.03.2024. Learned APP waives service of Rule on behalf respondent State. Meanwhile, the criminal proceedings remained stayed qua present applicant, till further orders. The trial Court is at liberty to proceed against the co-accused in accordance with law. Direct service permitted.

P.S. JOSHI

(ILESH J. VORA,J)