

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 7274 of 2017**

=====

CHANDRASING CHANDUBHAI VASAVA & ANR.

Versus

STATE OF GUJARAT & ANR.

=====

Appearance:

MR MM SAIYED(1806) for the Applicant(s) No. 1,2

NOTICE SERVED for the Respondent(s) No. 2

MS MONALI BHATT, APP for the Respondent(s) No. 1

=====

CORAM:HONOURABLE MR. JUSTICE DEVAN M. DESAI**Date : 22/10/2024****ORAL ORDER**

Learned advocate Mr. M.M. Saiyed for the applicants submits that for the same offence, two complaints were lodged, one by present respondent No.2 and another by his brother Kapurbhai Motiyabhai Vasava. It is further submitted that the Criminal Inquiry Case No.4 of 2014 was later on converted into Criminal Case No.947 of 2015 and the learned Judicial Magistrate First Class vide order dated 13.2.2017 passed an order committing the case to the learned Sessions Court, Ankleshwar for the offences committed under Sections 323, 427, 504, 506(2) of the IPC together with Section 135 of the Bombay Police Act. Pursuant to the order dated 13.2.2017,

learned Sessions Judge registered the case as Sessions Case No.12 of 2017. It is further submitted that in Criminal Inquiry Case No.26 of 2014 of which the complainant is the brother of respondent No.2, wherein, the charge-sheet is filed and case is pending. It is therefore submitted that under the various provisions of the Cr.P.C., there cannot be two parallel criminal cases to run for the same alleged offences against applicants.

In view of above, issue requires consideration. Hence, **Rule.** Learned APP Ms. Monali Bhatt waives service of notice of Rule for and on behalf of the respondent No.1 – State.

In the meantime, there shall be stay against the proceedings of Criminal Case No.12 of 2017 pending before the learned Additional Sessions Judge, Ankleshwar till then.

VATSAL

(D. M. DESAI,J)