

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 11517 of 2017

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YOGESHBHAI LALITBHAI GANDHI & 5....Applicant(s)

Versus

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

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Appearance:

MR NAVIN PAHWA with MR NANDISH H THACKAR, ADVOCATES for the
Applicant(s) No. 1 - 6

MS SHRUTI PATHAK, ADDITIONAL PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM: **HONOURABLE MR.JUSTICE A.Y. KOGJE**

Date : 13/06/2017

ORAL ORDER

1. Issue **NOTICE** returnable on **5th JULY, 2017**. Learned Additional Public Prosecutor Ms. Shruti Pathak waives service of notice on behalf of the respondent – State.

2. Learned Advocate Mr. Navin Pahwa on behalf of the applicants submits that with regard to the impugned First Information Report, a 'B' Summary Report was submitted after the investigation which was not accepted by the concerned Magistrate. This order of the Magistrate was challenged by the State before the Sessions Court and the

Sessions Court has confirmed the order of the Magistrate and directed the DSP of the District to investigate the First Information Report. After the due investigation by the DSP, once again the report was filed exonerating the applicants. However, the learned Magistrate was pleased to issue process in connection with the Summary Report filed.

3. Learned Advocate for the applicants submits that the complainant – respondent No.2 is a disgruntled employee and the applicants are the Directors who in the course of their duties had taken a decision against the the interest of the complainant which has resulted into the filing of the impugned First Information Report. In the First Information Report registered from the applicants' side, a chargesheet is filed against the respondent No.2 .

4. In that view of the matter, a case is made out for interim relief and hence, interim relief in terms of Paragraph 8.(B) till the returnable date. Direct Service is permitted.

SD/-
(A.Y. KOGJE, J.)

Caroline