

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 12307 of 2024**

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ANITASINGH PAWANKUMAR SINGH & ANR.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR M I SHAIKH(13791) for the Applicant(s) No. 1,2

MR MOHDDANISH M BAREJIA(10612) for the Applicant(s) No. 1,2

MR. MANAN MEHTA, ADDL. PUBLIC PROSECUTOR for the Respondent(s)

No. 1

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI**Date : 24/09/2024****ORAL ORDER**

Heard learned advocate Mr. Barejia for the petitioners. At the outset, learned advocate Mr. Barejia, upon instructions, seeks permission to withdraw this petition qua the petitioner no. 1. Accordingly, ***this petition is disposed of as not pressed qua the petitioner no. 1 – Anitasingh Pawankumar Singh.***

As far as the petitioner no. 2 is concerned, learned advocate Mr. Barejia states that he is an Army man and at the time of incident, he was not present and therefore, in the FIR he is falsely implicated by arraigning him as an accused.

Learned APP Mr. Manan Mehta appearing for the respondent – State, upon instructions, submitted that during the course of investigation, it was found that the petitioner no. 2 was not present at

the scene of offence as upon investigation, it was found that he was doing parade alongwith other army men and the Senior J.C.O. of the unit has certified the aforesaid facts and therefore, prima faice, it seems that the present petitioner no. 2 is not involved in the offence in question.

In view of above submission, issue RULE. Learned Additional Public Prosecutor waives service of notice of rule on behalf of respondent – State. Direct service is permitted. Private respondent be served through the concerned police station.

In the meantime, there shall be ad-interim relief in terms of paragraph no. 25 (c) qua the present petitioner no. 2 only.

As far as the petitioner no. 1 is concerned, it is clarified that this Court has not gone into the merits of the matter and present withdrawal shall not come in way of the petitioner no. 1 in pursuing any other remedy available under the law.

VARSHA DESAI

(NIRZAR S. DESAI,J)