

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC. APPLICATION NO. 22879 of 2021

SURESHBHAI VISHNUBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

MR GAURANG K PATEL(2613) for the Applicant(s) No. 1

MR. D. P. KINARIWALA(410) for the Applicant(s) No. 1
for the Respondent(s) No. 2

MR RONAK RAVAL, APP (2) for the Respondent(s) No. 1

CORAM: **HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI**

Date : 03/01/2022

ORAL ORDER

Heard learned advocate Mr.D.P. Kinariwala for the applicant and learned Additional Public Prosecutor Mr.Ronak Raval for the respondent State.

It is submitted by the learned advocate for the applicant that the applicant is shown as original accused No.6 in the impugned FIR and the allegations levelled against the applicant is that he has purchased the land in question from the other co-accused by way of registered Sale Deed dated 29.03.2011. It is further submitted that civil proceedings were initiated before the competent Civil Court initially in the year 2012 and thereafter in the years 2015 and 2016 by the concerned parties. However, the impugned FIR is filed by the first informant on 09.12.2021 for the alleged offences punishable under Sections 406, 420, 467, 468, 471, 120(B) and 506(1) of the Indian Penal Code. It is submitted that there is a gross delay in lodging

impugned FIR and the same is nothing but a gross abuse of the process of the Court.

Learned advocate for the applicant has also placed reliance upon the decision rendered by this Court in the case of ***Khandubhai Poonabhai Tandel Vs. State of Gujarat*** reported in ***2015(2) GLR 1146*** and, thereafter, contended that issue involved in the present application is squarely covered by the said decision.

In view of the aforesaid submissions canvassed by the learned advocate for the applicant, issue Notice returnable on 16.02.2022. Learned Additional Public Prosecutor waives service of notice for the respondent State.

Till the returnable date, no coercive steps shall be taken against the applicant. However, it is open for the Investigating Agency to carry out the investigation and the applicant shall co-operate with the Investigating Agency.

Direct Service is permitted.

(VIPUL M. PANCHOLI, J)

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