

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION NO. 21709 of 2022**

=====

BHARATBHAI SANGABHAI GOHIL

Versus

STATE OF GUJARAT

=====

Appearance:

MR ASHISH M DAGLI(2203) for the Applicant(s) No. 1

for the Respondent(s) No. 2

MS MOXA THAKKAR, APP for the Respondent(s) No. 1

=====

CORAM: HONOURABLE MR. JUSTICE ILESH J. VORA

Date : 28/11/2022

ORAL ORDER

1. Mr.Parth Bhatt, learned advocate states that he has received instructions to appear for and on behalf of respondent no.2 and he shall file his Vakalatnama along with the affidavit-in-reply, if any, before the Registry. Registry is directed to accept the same.

2. Heard learned advocates for the respective parties.

3. By way of this application, the applicant is seeking quashment of the FIR being C.R.No.11195050220683 of 2022 registered with Tharad Police Station, Dist.: Banaskantha for the offences punishable under Sections 147, 148, 149, 307, 353, 325, 324, 504, 114, 120B and 506(2) of the Indian Penal Code.

4. A bare reading of the FIR would show that the complainant and the present applicant are knowing each other since long and

despite this fact, name of the applicant is not disclosed in the FIR. After one month and twenty one days, he has been implicated in the alleged offence.

5. Considering this aspect as well as material placed on record, this Court is of the view that matter deserves consideration. It is referred to and relied on the judgment of the Apex Court in the case of **Indramohan Goswami Vs. State of Utranchal** reported in **(2007) 12 SCC 1**, wherein it was observed and held that the Court must ensure that criminal prosecution is not used as an instrument of harassment or for seeking private vendetta or with *ulterior motive* to pressurize the accused.

6. **Notice**, returnable on 22.12.2022. Learned APP waives service of notice for the respondent-State and Mr.Parth Bhatt, learned advocate waives service of notice for respondent no.2.

7. Till the next date, the applicant shall not be arrested. However, investigation may continue and the applicant is directed to cooperate with the investigation.

(ILESH J. VORA,J)

Rakesh