

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 16494 of 2024**

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BHARTIBEN NAVNITBHAI SHAH
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR ADIL R MIRZA(2488) for the Applicant(s) No. 1
MS. JYOTI BHATT, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE SANDEEP N. BHATT**Date : 23/01/2025****ORAL ORDER**

[1] Heard learned advocate Mr. Adil Mirza for the petitioner and learned APP for the respondent State.

[2] Learned advocate Mr. Mirza for the petitioner has submitted that on bare reading the of impugned FIR, it transpires that no offence is made out and it cannot be said that offence is committed in public view. He has relied upon the recent judgment of the Hon'ble Apex Court in the case of **Rabindra Kumar Chhatoi vs. State of Odisha** reported in SLC (Cri.) 1608 of 2020, and has submitted that continuation of the proceeding pursuant to the FIR would amount to an abuse of process of law and, therefore, in light of the above, he has prayed for interference of this Court.

[3] Learned APP for the respondent – State has strongly opposed the submissions made at the bar and has submitted that on bare reading of the FIR, *prima facie*, case is made out against the present applicants, and, therefore, consideration the gravity involved in the matter, the Court may not interfere at this stage as such powers should be exercised very sparingly.

[4] Looking to the averments and allegations made in the FIR, and considering the submissions made at the bar, it appears that *prima facie*, offences as alleged in the FIR is not satisfied. Hence, matter requires consideration. Let **NOTICE** be issued to the other side making it returnable on 18.03.2025. Learned APP waives service of notice for and on behalf of respondent – State.

[5] No coercive action shall be taken against the present petitioner pursuant to the impugned FIR, but the petitioner shall co-operate in the process of investigation.

(SANDEEP N. BHATT,J)

DIWAKAR SHUKLA