

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 24963 of 2024**

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PRAKASHBHAI PARSHOTTAMBHAI PARMAR & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

CHIRAG A PRAJAPATI(8468) for the Applicant(s) No. 1,2,3

MS DIPTI G CHAUHAN(12158) for the Applicant(s) No. 1,2,3

MR. MANAN MAHETA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE SANDEEP N. BHATT**Date : 18/12/2024****ORAL ORDER**

1. Heard learned advocate Mr. Chirag A. Prajapati for the applicants and learned APP, Mr. Maheta for the respondent – State.

2. Learned advocate for the applicants has submitted that the looking to the nature of allegations made in the FIR, it transpires that the dispute is with regard to parking of the vehicle. He has further submitted that the case of the applicants is that the applicants have made an application by way of the written complaint before the Ahmedabad Municipal Corporation with regard to the illegal construction and pursuant to that, with a view to pressurize the present applicants, the FIR is filed. He has further submitted that

otherwise also, considering the fact that the applicants are arrested and released on bail and considering the averments made in the FIR, no believable offences made out against the present applicants. Therefore, he submits that, continuation of the proceedings would amount to abuse of process of law.

3. Learned APP has submitted that the applicants have already been arrested and released on bail and therefore, this indicates that there is *prima facie* involvement of the present applicants in the alleged offences.

4. Considering the averments made in the application as well as submissions made at the bar, *prima facie* case is made out for consideration, therefore, matter requires consideration.

5. Issue **Notice, Notice** as to interim relief, returnable on **14.02.2025**. Learned APP waives service of notice on behalf of the respondent – State. Direct service is permitted, to be served through the concerned Police Station.

6. In the meantime, the applicants shall cooperate with the process of investigation.

(SANDEEP N. BHATT,J)

SLOCK BAROT