

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 16737 of 2024**

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VIKRAM RAMESHBHAI VAGHELA & ANR.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR TEJAS BAROT, SENIOR ADVOCATE with MR JAINISH P SHAH(7033)

for the Applicant(s) No. 1,2

MS MAITHILI MEHTA, APP for the Respondent(s) No. 1 – State

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CORAM:HONOURABLE MR. JUSTICE SANDEEP N. BHATT**Date : 28/01/2025****ORAL ORDER**

1. Learned senior advocate Mr.Tejas Barot with learned advocate Mr.Jainish P. Shah for the applicants submits that there is a gross delay of more than seven years in filing the impugned complaint; and that considering the provisions of Sections 405, 406 and 420 of the IPC, no offence is made out; and that the complainant is holding the shares of the various companies against the amount given by the him. In support of his submissions, he has relied upon the decision of the Hon'ble Apex Court in the case of Delhi Race Club (1940) Ltd., and Others versus State of Uttar Pradesh and Another reported (2024) 10 SCC 690 and has submitted that prima facie case is not even made out against the applicants; and that continuation of the proceeding will

amount to abuse of process of law.

2. Learned APP for the State has opposed this application and has submitted that this application may not be entertained.

3. Considering the averments made in this application and also considering the submissions made at the bar, the matter requires further consideration.

4. Notice returnable on 20.03.2205. Learned APP waives service of notice for and on behalf of the respondent – State. It is ordered that no coercive actions shall be taken against the applicants only, qua the impugned FIR, till the next date of hearing. However, the applicants shall cooperate the process of investigation.

Direct service, through the concerned police station, is permitted.

M.H. DAVE

(SANDEEP N. BHATT,J)