

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 25082 of 2024**

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LALIT HARAKCHAND JAIN GANDHI

Versus

STATE OF GUJARAT & ANR.

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Appearance:

ADITYA R GUNDECHA(8869) for the Applicant(s) No. 1

MR. UTKARSH SHARMA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE SANDEEP N. BHATT**Date : 09/01/2025****ORAL ORDER**

Learned advocate Mr.Gundecha for the applicant has submitted that in Column No.3 of the FIR, the time of offence is shown as 11.11.2020 to 28.12.2021 and the FIR is filed on 28.11.2024. He has further submitted that essentially, the dispute is of civil nature, but civil suit is never filed by the complainant and by adopting an arm-twisting tactic by the complainant against the applicant, the present FIR is filed; and that continuation of proceeding amounts to abuse of process of law. He has submitted that the application may be allowed by protecting the applicant.

Learned APP for the State has opposed this application and has submitted that investigation is at initial stage; and that prima facie case is made out, therefore, this

Court may not exercise the powers in favour of the applicant at this stage.

Considering the rival submissions made at the bar, this Court finds that prima facie case is made out in favour of the applicant, therefore, matter requires further consideration.

Notice returnable on 18.02.2025. Learned APP waives service of notice for and on behalf of the respondent – State.

In the meantime, interim relief in terms of Para : 8(C) of this application is granted, qua the applicant.

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

(SANDEEP N. BHATT,J)

DIWAKAR SHUKLA