

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION (DIRECTION - TO LODGE
FIR/COMPLAINT) NO. 12689 of 2024

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NIKUNJBHAI JAYSUKHBHAI PADARIYA
Versus
STATE OF GUJARAT & ORS.

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Appearance:

PRASHANT V CHAVDA(8510) for the Applicant(s) No. 1
MS. VRUNDA SHAH, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE SANDEEP N. BHATT

Date : 15/10/2024
ORAL ORDER

1. When the matter is called, learned APP Ms. Vrunda Shah has tendered a report dated 15.10.2024 prepared by the Deputy Superintendent of Police (Dy.S.P.), Ms. Neelam Goswami, Sanand Division, who is personally present today before this Court. In this report, it is stated that all the complaints have been disposed of pursuant to the subject matter of the present petition.

2. However, considering the seriousness of the allegations made in the petition and taking into account the fact that the primary duty of the Police Authorities is to maintain law and order and to discharge their responsibilities with the utmost sincerity and honesty,

this Court is of the opinion that, *prima facie*, in the present case, the Police has shown undue interest in the dispute, which is regarding a commercial transaction.

3. This Court has come across in many matters where the Police has taken undue interest in disputes relating to commercial transactions or immovable property, which apparently indicates taking of some extraneous consideration for such interest.

4. Let a detailed affidavit be filed by the Deputy Superintendent of Police (Dy.S.P.), Sanand Division, as well as the concerned In-Charge Officer of the Police Station, pursuant to the allegation made in the present petition, and explaining what prompted the concerned officer to issue the notice dated 13.01.2024 in the present matter.

5. It is needless to say that there are many issues that require the utmost attention of the Police Authorities, such as traffic management problems, the growing nuisance of liquor and drug-related activities, and public order issues, more particularly, many incidents occurs everyday whereby one group clashes with

another group with deadly weapons like sword, knife, and even firearms. Such issues need to be addressed with all seriousness and higher hand, but instead of that the Police rather is involved in the matters that primarily involve monetary transactions. This situation must be managed at the appropriate level to ensure that the citizens feel safe in the State of Gujarat, where law and order must visibly exist at a satisfactory level.

5. Let a copy of this order be sent to the Director General of Police (D.G.P.), Inspector General of Police (I.G.P.) of all ranges, and the Police Commissioner of all Commissionerates to look into this matter and take necessary actions to correct the system.

6. Affidavit in the present matter to that effect shall be filed within a week from today. Re-list the matter on **25.10.2024** for further consideration, more particularly, about the concern shown by this Court on larger issues.

(SANDEEP N. BHATT,J)

DIWAKAR SHUKLA