

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 15344 of 2024**

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GAYATRI DEVELOPERS THRO VASUBHAI CHUNIBHAI PATEL & ORS.  
Versus  
STATE OF GUJARAT & ANR.

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Appearance:

MR ASHISH M DAGLI(2203) for the Applicant(s) No. 1,2,3,4,5,6,7,8,9  
MS. VRUNDA SHAH, APP for the Respondent(s) No. 1

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**CORAM:HONOURABLE MR. JUSTICE SANDEEP N. BHATT****Date : 27/11/2024****ORAL ORDER**

1. The present petition is filed for the following prayers:

*“(A) The Hon’ble Court may please to admit this application;*

*(B) The Hon’ble Court may please to allow this Special Criminal Application by issuing appropriate writ, order of direction quashing and setting aside the F.I.R being Cr. No.1-11201005240007 of 2024 filed before CID Crime, Vadodara Zone Police Station, Vadodara which is placed at Annexure-A, and also please to quash the further proceeding arising thereof qua the petitioners in the interest of justice;*

*(C) Pending admission and till final disposal of the present application, the Hon’ble Court may be pleased to grant stay on execution, operation and further investigation of impugned F.I.R being Cr. No.1-11201005240007 of 2024 which is placed at Annexure-A filed before CID Crime, Vadodara Zone Police*

*Station, Vadodara, and further proceeding arising thereof qua the petitioners in the interest of justice;*

*(D) The Hon'ble Court be pleased to kindly grant any such other and further order(s) or relief(s) as may deem fit and proper in interest of justice."*

2. Heard learned advocate Mr. Ashish M. Dagli for the petitioners and learned APP, Ms. Vrunda Shah for the respondent – State.

3. Learned advocate Mr. Dagli has drawn attention of this Court by pointing out the averments made in the complaint, whereby, essentially the alleged incident has taken place between the period from 2017 to 2019 and the complaint came to be registered on 21.09.2024 for the offences punishable under Sections 406, 409, 467, 468, 471 and 120(B) of the Indian Penal Code (IPC) by the C.I.D. Crime Vadodara Zone Police Station, whereby, he has submitted that essentially the dispute between the partners of the partnership firm are sought to be investigated by giving colour of criminality and that too, after delay of five years in filing the FIR. He has further submitted that before filing of the present FIR the complainant has approached J.P. Road Police Station, Deputy Commissioner of Police as well as Commissioner of Police, but those authorities have not acted

on his request and thereafter, the complainant has preferred the Special Criminal Application No.5301 of 2024, for giving direction to lodge the FIR, which was disposed of by the Coordinate Bench of this Court vide order dated 30.04.2024, whereby, the Court has directed him to avail appropriate remedy to approach the concerned Court by filing appropriate complaint. He has submitted that, even then, the reasons best known to the Investigating Officer i.e. Police Inspector, CID Crime, Vadodara, the complaint is registered and apparently, the same is registered without any valid reason.

4. Considering the above stated circumstances of the matter and moreover, this Court has observed in many matters that though the C.I.D. Crime is a special cell which requires to give priority to act for preventing the serious offences and also to investigate serious offences, but, in recent times, for the reasons best known to the highest ranking Officer i.e. Direct General of Police (D.G.P.), C.I.D. Crime, similar nature of FIRs are registered with various Police Station(s) of the C.I.D. Crime in the State, more particularly, for the dispute which is of civil nature involving financial transactions or property dealing and in most of the matters where even limitation to file Suit is expired. This aspect is already considered in earlier order passed in some other matter, whereby, it is directed that the D.G.P. of the

State and Secretary of the Home Department shall take serious note of the same and shall do the needful, immediately, to take corrective measures.

5. Learned APP, Ms. Vrunda Shah has also submitted that *prima facie* case is made out against the petitioners and she submits that she would also convey the concern shown by this Court to the concerned higher Officers, if the copy is provided for onward communication. Therefore, let the copy of the same shall be provided to the learned APP.

6. Considering all the above aspects, this is a glaring example of abuse of process of law with connivance of some of the Officers who are interested in such matters.

7. In view of the above, matter requires consideration, issue **Rule** returnable on **23.12.2024**. Learned APP waives service of notice of rule on behalf of the respondent – State.

8. Interim relief in terms of para 11(C) is granted till the next date of hearing.

Direct service is permitted.

SLOCK BAROT

**(SANDEEP N. BHATT,J)**