

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 299 of 2007

With

CRIMINAL MISC.APPLICATION No. 2182 of 2007

With

CRIMINAL MISC.APPLICATION No. 2186 of 2007

With

CRIMINAL MISC.APPLICATION No. 1847 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

4 Whether this case involves a substantial question
of law as to the interpretation of the
constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
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BAHVANBHAI NATHUBHAI DESAI - Applicant(s)

Versus

STATE OF GUJARAT & 10 - Respondent(s)

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Appearance :

SCR.A NO.299/07.

MR YF MEHTA for Applicant(s) : 1,
MR MR MENGDEY, APP for Respondent(s) : 1,
DS AFF.NOT FILED (R) for Respondent(s) : 2 - 11.

CR.MA NO.2182 & 2186/07

MS AMEE YAGNIK for the petitioners.
MR MR MENGDEY APP for the State.
MR YF MEHTA for respondent No.2

CR.MA NO.1847/07:

MR KB ANANDJIWALA for the petitioners
MR MR MENGDEY APP for the State.
MR YF MEHTA for respondent No.2

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 30/10/2007

ORAL JUDGMENT

This group of petitions, except Special Criminal Application No.299 of 2007, is filed seeking quashing of a criminal complaint bearing Inquiry Case No.69/06 which was initially filed before the Metropolitan Magistrate, Ahmedabad which later got converted into M.Case No.1/06 before the Navrangpura Police lodged by one Bhavanbhai Nathubhai Desai.

2. It appears that the complaint arose out of some property dispute and there were allegations of forcible eviction of the property in question. However, with passage of time and intervention of other mediators, disputes have been solved between the parties. The complainant has filed a detailed affidavit stating, inter alia, that all the disputes are settled. Apparently, some civil proceedings were also instituted by the erstwhile occupier of the property. Such proceedings have also been withdrawn. To this position, all learned advocates appearing for the parties agree. It is jointly stated that in view of these developments, criminal proceedings may be quashed. It is submitted by the learned advocates appearing for the petitioners as well as the original complainant that no useful purpose will be served in surviving the criminal case.

3. I have also heard learned APP Shri Mengdey for the State.

4. In view of the developments noted hereinabove and in view of the affidavit of the complainant and the petitioners which are ordered to be taken on record, and the statements and submissions of the learned advocates appearing for the parties, I find that the quashing petitions are required to be allowed.

5. In the result, complaint M.Case No.1/2006 is quashed.

6. In view of the above development, Special Criminal Application No.299 of 2007 does not survive. The same is disposed of accordingly. Rule therein is discharged.

(Akil Kureshi, J.)

(vjn)