

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**  
**SPECIAL CRIMINAL APPLICATION No. 1468 of 2011**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE J.B.PARDIWALA**

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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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**KULDIP N SHARMA - IPS - Applicant(s)**

**Versus**

**STATE OF GUJARAT & 1 - Respondent(s)**

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**Appearance :**

MR SV RAJU, SR.ADVOCATE with MR IH SYED for Applicant(s) : 1,  
MR PK JANI, PUBLIC PROSECUTOR with MR JK SHAH, APP for  
Respondent(s) : 1,  
MR SP HASURKAR for MR BHARGAV HASURKAR for Respondent(s) : 2,

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**CORAM : HONOURABLE MR.JUSTICE J.B.PARDIWALA**

**Date : 11/05/2012**

**CAV JUDGMENT**

By way of this petition under Article 226/227 of the Constitution  
of India read with Section 482 of the Criminal Procedure Code, 1973,

the petitioner, an IPS officer, seeks to challenge the legality, validity and propriety of the order dated 31<sup>st</sup> March 2011 passed by the Additional Chief Secretary, Home Department, Government of Gujarat, granting sanction under Section 197 of the Code to prosecute the petitioner in connection with Criminal Case No.93 of 2002 pending before the learned Additional Chief Judicial Magistrate, Anand.

I need not adjudicate this petition for the simple reason that this Court, vide order dated 11.5.2012 passed in Special Criminal Application No.1467 of 2011, has quashed the order of process issued by the Additional Chief Judicial Magistrate, Anand, dated 3<sup>rd</sup> May 2011 in Court Inquiry No.93 of 2002.

Since the very prosecution has been quashed, the issue of legality, validity and propriety of sanction under Section 197 of the Code pales into insignificance. I may only clarify that otherwise I have not gone into the merits of this issue.

The petition is accordingly disposed of.

**(J.B.Pardiwala, J.)**

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