

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**MISC. CIVIL APPLICATION (FOR CONTEMPT) NO. 2393 of 2017****In****SPECIAL CRIMINAL APPLICATION NO. 1680 of 2017**

=====

ZARAVAD MULTANI PANCH MASJID / KABRISTAN TRUST THROUGH ITS
MANAGING TRUSTEE & 1....Applicant(s)

Versus

SATISH SHARMA & 1....Opponent(s)

=====

Appearance:

MR NK MAJMUDAR, ADVOCATE for the Applicant(s) No. 1 - 2

MR KM ANTANI, AGP for the Opponent(s) No. 1 - 2

=====

CORAM: **HONOURABLE MR.JUSTICE M.R. SHAH**

and

HONOURABLE MR.JUSTICE VIPUL M. PANCHOLI

Date : 06/10/2017

ORAL ORDER

(PER : HONOURABLE MR.JUSTICE M.R. SHAH)

1.00. A grievance which is voiced in the present application is non-compliance of the order passed by the learned Single Judge dated 6/3/2017 passed in Special Criminal Application No. 1680 of 2017, by which the Police Inspector, Athwalines Police Station, District Surat was directed to take into consideration the complaint filed by the petitioner in writing and take appropriate decision whether the same discloses cognizable offence or not. The learned Single Judge also directed to lodge FIR in case the complaint discloses commission of cognizable offence. The learned Single Judge also observed that after going through the materials if the

Police Inspector is of the opinion that no case is made out for registration of the FIR, then in such circumstances, he shall inform the petitioner in writing about the same by assigning reasons in brief within four weeks.

2.00. The aforesaid order is alleged to have been non-complied.

3.00. On the advance copy of the application being served upon the office of the learned Government Pleader, Mr. Antani, learned Assistant Government Pleader has appeared on behalf of the respondents. He has stated at the bar that prior to even filing of the contempt petition, appropriate decision has already been taken by the concerned Police Inspector and as such, the same was intimated to the petitioner vide communication dated 2/4/2017. He has stated at the bar that the said communication was sent through ordinary post. He has placed on record copy of the said communication dated 2/4/2017. The same is directed to be taken on record.

4.00. Mr. Majmudar, learned advocate appearing on behalf of the petitioner herein has stated at the bar that the petitioner has not received the said communication.

5.00. Be that it may, copy of the aforesaid communication dated 2/4/2017 is given to Mr. Majmudar, learned advocate appearing on behalf of the petitioner herein.

6.00. Thus, it appears that the order passed by the learned Single Judge, of which non-compliance is alleged, has

been complied with. Under the circumstances, present application stands disposed of, as the cause does not survive.

It goes without saying that if the petitioner herein is aggrieved by the aforesaid decision dated 2/4/2017, it will be open for the petitioner to take further recourse to law.

**Sd/-
(M.R. SHAH, J.)**

**Sd/-
(VIPUL M. PANCHOLI, J.)**

Rafik..