

SPECIAL CRIMINAL APPLICATION QUASHING No. 5797 of 2016

Status : PENDING

CNR No : GJHC240544242016

Next Listing Date: 07/12/2022

Coram • HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

S.NO.Petitioner Name
1 FARUK GULAM PATALAdvocate On Record
MR PRAVIN GONDALIYA(1974) for :Applicant(s) → 1S.NO.Respondent Name
1 STATE OF GUJARAT
2 MUKESH BHIMRAJ GUPTAAdvocate On Record
SPECIAL PUBLIC PROSECUTOR(19) for :Respondent(s) → 1
MR CHIRAG B PATEL(3679) for :Respondent(s) → 2

Presented On : 08/08/2016

Registered On : 08/08/2016

Bench Category : SINGLE

District : VADODARA

Case Originated From :-

Purpose of Listing : 196-FOR FINAL HEARING

Classification

- 1883-SJ - SPECIAL CRIMINAL APPLICATION - UNDER ARTICLE 226 - QUASHING OF PROCEEDINGS / FIR / CRIMINAL COMPLAINT ETC.

Act

- CONSTITUTION OF INDIA

Office Objections

NO DATA FOR OFFICE OBJECTIONS

Court Proceedings

S. No.	Notified Date	CourtCode	Board Sr. No.	Stage	Action	Coram
1	09/08/2016	18	101	107-FRESH MATTERS - QUASHING	1-NEXT DATE	• HONOURABLE MS. JUSTICE SONIA GOKANI
2	10/08/2016	18	49	232-ON THE TOP OF THE BOARD	1-NEXT DATE	• HONOURABLE MS. JUSTICE SONIA GOKANI
3	11/08/2016	18	13	121-ADJOURNED MATTERS	4-FIXED NOTICE	• HONOURABLE MS. JUSTICE SONIA GOKANI
4	19/08/2016	18	167	126-NOTICE RETURNABLE & ADJOURNED MATTERS	1-NEXT DATE	• HONOURABLE MS. JUSTICE SONIA GOKANI
5	22/09/2016	17	201	126-NOTICE RETURNABLE & ADJOURNED MATTERS	1-NEXT DATE	• HONOURABLE MS. JUSTICE SONIA GOKANI
6	29/12/2016	13	-	126-NOTICE RETURNABLE & ADJOURNED MATTERS		• HONOURABLE MR. JUSTICE J.B.PARDIWALA
7	10/10/2019	20	-	191-FOR FINAL HEARING - QUASHING MATTERS	1-NEXT DATE	• HONOURABLE MR. JUSTICE UMESH A. TRIVEDI
8	18/11/2019	20	-	191-FOR FINAL HEARING - QUASHING MATTERS	1-NEXT DATE	• HONOURABLE MR. JUSTICE UMESH A. TRIVEDI
9	16/01/2020	13	-	191-FOR FINAL HEARING - QUASHING MATTERS	1-NEXT DATE	• HONOURABLE MR. JUSTICE A.G.URAIZEE
10	06/02/2020	13	-	191-FOR FINAL HEARING - QUASHING MATTERS	1-NEXT DATE	• HONOURABLE MR. JUSTICE A.G.URAIZEE
11	25/07/2022	17	163	191-FOR FINAL HEARING - QUASHING MATTERS	1-NEXT DATE	• HONOURABLE MR. JUSTICE NIRZAR S. DESAI
12	06/10/2022	15	31	196-FOR FINAL HEARING	1-NEXT DATE	• HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI
13	19/10/2022	15	34	196-FOR FINAL HEARING	1-NEXT DATE	• HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Available Orders

S. No.	Case Details	Judge Name	Order Date	CAV	Judgement	Questions	Transferred	Download
1	SCR.A/5797/2016	• HONOURABLE MS. JUSTICE SONIA GOKANI	11/08/2016	N	ORDER	-	Y	Download

S. No.	Case Details	Judge Name	Order Date	CAV	Judgement	Questions	Transferred	Download
2	SCR.A/5797/2016	o HONOURABLE MS. JUSTICE SONIA GOKANI	19/08/2016	N	ORDER	-	Y	Download
3	CR.MA/1/2019	o HONOURABLE MR. JUSTICE A.S. SUPEHIA	14/08/2019	N	IA ORDER	-	Y	Download
4	CR.MA/1/2022	o HONOURABLE MR. JUSTICE NIKHIL S. KARIEL	19/04/2022	N	IA ORDER	-	Y	Download
Connected Matters								
NO DATA FOR CONNECTED MATTERS								
Application / Appeal Matters								
NO DATA FOR APPLICATION / APPEAL MATTERS								
IA Details								
S. No.	CaseDetail	Status Name	Disposal Date					
1	CR.MA/1/2019(FIXING DATE OF EARLY HEARING)	DISPOSED	14/08/2019					
2	CR.MA/1/2022(FIXING DATE OF EARLY HEARING)	DISPOSED	19/04/2022					
Office Details								
S. No.	Filing Date	Document Name	Advocate Name	Court Fee on Document	Document Details			
1	08/08/2016	MEMO OF PETITION/APPEAL/SUIT	MR PRAVIN GONDALIYA for PETITIONER(s) →	50	-FARUK GULAM PATAL			
2	08/08/2016	VAKALATNAMA	MR PRAVIN GONDALIYA for PETITIONER(s) →	5	-FARUK GULAM PATAL			
3	08/08/2016	CERTIFIED COPY	MR PRAVIN GONDALIYA for PETITIONER(s) →	10	-FARUK GULAM PATAL			
4	08/08/2016	ADVANCE COPY OF PETITION	SPECIAL PUBLIC PROSECUTOR for RESPONDENT(s) →	0	-STATE OF GUJARAT			
5	21/09/2016	VAKALATNAMA	MR CHIRAG B PATEL for RESPONDENT(s) →	5	-MUKESH BHIMRAJ GUPTA			
6	09/11/2016	AFFIDAVIT IN REPLY	MR CHIRAG B PATEL for RESPONDENT(s) →	0	-MUKESH BHIMRAJ GUPTA			
Certified Copy								
NO DATA FOR CERTIFIED COPY								
Lower Court Detail								
NO DATA FOR LOWERCOURT DETAIL								
FIR Details								
S.No.	Police StationName				Fir Details	Date of Incident	Date of complaint	
1	VARNAMA POLICE STATION - VADODARA DISTRICT				CR-I/61 /2016	-	-	

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 5797 of 2016

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FARUK GULAM PATAL....Applicant(s)

Versus

STATE OF GUJARAT & 1....Respondent(s)

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Appearance:

MR RS SANJANWALA, SR. ADV. with MR PRAVIN GONDALIYA, ADVOCATE
for the Applicant(s) No. 1

SPECIAL PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM: **HONOURABLE MS JUSTICE SONIA GOKANI**

Date : 11/08/2016

ORAL ORDER

1. Petitioner is before this Court seeking quashment of the complaint being C.R.No.I- 61 of 2016 registered with Vadodara Rural police station for the offences punishable under sections 447, 406, 420, 506 and 114 of the Indian Penal Code.
2. According to the complainant, he had entered into an agreement of sale of factory and machinery with the petitioner. The petitioner was put in possession of the premises, and therefore, he had posted his security guards for securing the

machinery lying in the premises.

3. It is his say that sum of Rs.5 crores had been paid to the complainant and the petitioner had agreed to pay sum of Rs.12 crore to the Bank. The Bank has already given no objection certificate for selling of the property of the complainant in favour of the present petitioner. Though the approval has come on 10.5.2016, the amount has not been parted with nor deposited in the Bank in wake of the entry, which has been posted in the revenue record on 18.5.2016 as noticed during the procedure of obtaining title clearance certificate. It was noticed by the petitioner that in Company Petition No.299 of 2015 a direction not to transfer or alienate the property of the company which includes the property in question is passed. The petitioner was oblivious of such a petition and entry in the revenue record.

4. Learned Senior advocate Mr. Sanjanwala appearing with learned advocate Mr. Gondaliya has urged that the petitioner otherwise would not have

parted with such huge amount of Rs.5 crores. He, further, on instructions, has submitted that the petitioner is not interested in continuing the possession of the premise.

5. Issue notice returnable on 19.8.2016.

Investigating Officer shall remain present with the papers of investigation.

6. Investigating officer shall follow the dictum laid down by the Apex Court in the case of **Joginder Kumar vs. State of Uttar Pradesh** reported in (1994) 4 SCC 260.

7. Respondent No.2 be served through the concerned police station.

Direct service is permitted.

(MS SONIA GOKANI, J.)

SUDHIR

WEB COPY

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 5797 of 2016

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FARUK GULAM PATAL....Applicant(s)

Versus

STATE OF GUJARAT & 1....Respondent(s)

=====

Appearance:

MR PRAVIN GONDALIYA, ADVOCATE for the Applicant(s) No. 1

MS NISHA THAKORE, ADDL. PUBLIC PROSECUTOR for the Respondent(s)

No. 1

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CORAM: **HONOURABLE MS JUSTICE SONIA GOKANI**

Date : 19/08/2016

ORAL ORDER

Issue fresh notice returnable on 22.9.2016.

Ms.Nisha Thakore, learned Additional Public Prosecutor
waives service of notice for and on behalf of
respondent No.1.

Respondent No.2 to be served through concerned
police station.

(MS SONIA GOKANI, J.)

SUDHIR

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**CRIMINAL MISC.APPLICATION (FIXING DATE OF EARLY
HEARING) NO. 1 of 2019****In R/SPECIAL CRIMINAL APPLICATION NO. 5797 of 2016**

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FARUK GULAM PATAL
Versus
STATE OF GUJARAT

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Appearance:

MR PRAVIN GONDALIYA for the PETITIONER(s) No.

MR CHIRAG B PATEL for the RESPONDENT(s) No.

MR. HARDIK SONI, APP for the RESPONDENT(s) No.

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CORAM: **HONOURABLE MR.JUSTICE A.S. SUPEHIA**

Date : 14/08/2019**IA ORDER**

1. The application is moved by the applicant for fixing a date for final hearing of the main matter i.e. Special Criminal Application No. 5797 of 2016.
2. Having regard to the submissions made on behalf of the applicant, the court is of the opinion that the prayer is required to be considered.
3. Accordingly, Registry is directed to notify the main matter for final hearing on **10.10.2019**.
4. Application stands disposed of accordingly.

VISHAL MISHRA

(A. S. SUPEHIA, J)

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**CRIMINAL MISC.APPLICATION (FIXING DATE OF EARLY HEARING) NO.
1 of 2022**

In R/SPECIAL CRIMINAL APPLICATION NO. 5797 of 2016

=====

FARUK GULAM PATAL

Versus

STATE OF GUJARAT

=====

Appearance:

for the PETITIONER(s) No.

MR PRAVIN GONDALIYA(1974) for the PETITIONER(s) No.

MR CHIRAG B PATEL(3679) for the RESPONDENT(s) No.

MS MD MEHTA, ASSISTANT PUBLIC PROSECUTOR for the
RESPONDENT(s) No.

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 19/04/2022

IA ORDER

Heard learned Advocate Mr. Pravin Gondaliya for the applicant and learned APP Ms. M. D. Mehta for the respondent-State, learned Advocate Mr. Chirag B. Patel for the respondent no. 2.

Rule. Learned APP Ms. Mehta waives service of Rule on behalf of the respondent-State and learned Advocate Mr. Patel waives service of Rule on behalf of the respondent no. 2.

By way of this application, the applicant prays for fixing the Special Criminal Application No. 5797 of 2016 for hearing on any early date as may be convenient to this Court.

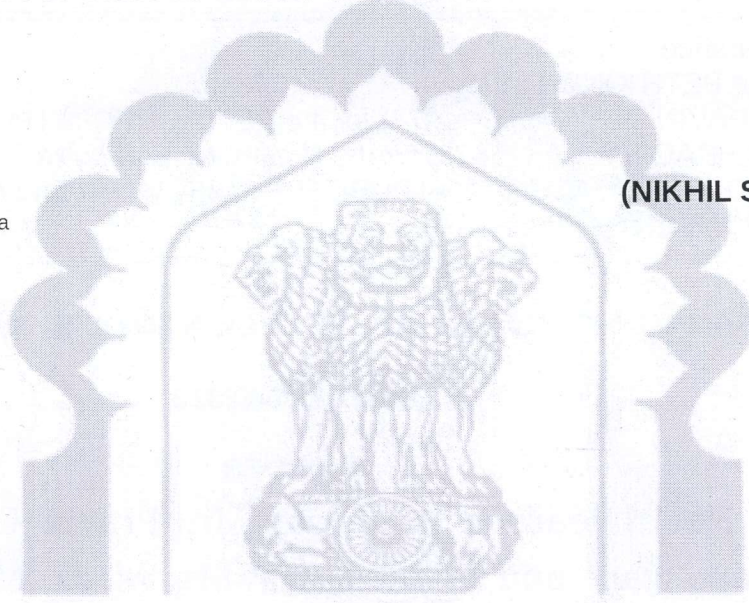
Having regard to the submissions made by learned

Advocate for the applicant and having regard to the averments made in the application, Special Criminal Application No. 5797 of 2016 shall be listed for hearing in the last week of July, 2022.

In view of the above, this application is disposed of as allowed. Rule is made absolute.

Mrs. J. J. Kedia

(NIKHIL S. KARIEL,J)



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THE HIGH COURT
OF GUJARAT

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