

(2020) 11 GUJ CK 0022

In the Gujarat High Court

Case No : R/Special Criminal Application No. 7406 Of 2020

Yogesh Amrutlal Ratanpara

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 19-11-2020

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2020) 11 GUJ CK 0022

Hon'ble Judges : Nirzar S. Desai, J

Bench : Single Bench

Advocate : Hriday Buch, S M Kikani, Dharmesh Devnani

Final Decision : Disposed Of

Judgement

Nirzar S. Desai, J

1. The present petition has been preferred under Article 226 of the Constitution of India, with the following prayers:

â??(A) YOUR LORDSHIPS be pleased to issue appropriate writ, order or direction, directing the respondent police authorities to forthwith register

the FIR against accused persons in pursuance to grievances and incident as narrated by petitioner in various written complaints at Annexure-A and

take all requisites steps against accused persons in accordance with law, and looking to the peculiar facts and circumstances of the case, the petitioner

further prays this Honâ??ble Court to direct respondent no.4 to monitor and supervise the investigation of FIR after it is registered so as to ensure

fair and impartial investigation, in the interest of justice and equity;

(B) YOUR LORDSHIPS be pleased to direct the respondent authorities to register FIR and produce Action Taken Report before this Honâ??ble

Court, in pursuance to grievance and incident as narrated by petitioner in various written complaint at Annexure-A, pending the admission, hearing and final disposal of this petition;

(C) YOUR LORDSHIPS be pleased to dispense with the affidavit of petitioner in support of present petition since petitioner is in hospital, in the interest of justice and equity,

(D) YOUR LORDSHIPS be pleased to pass such other and further order as the nature and circumstances of the case may be required;â??

2. At the outset, Mr.Buch, learned advocate for the petitioner submits that his grievance qua prayer at first part of prayer as per para:7(A) has been redressed, as an FIR has been registered with Keshod Police Station, being No.11203030201574 dtd.18.11.2020, Dist.Junagadh. Therefore, Mr.Buch, learned advocate submits that at present he is not pressing the petition for his first part of prayer at para:7(A). As against second part of prayer at para:7(A), Mr.Buch, learned advocate prays to reserve the liberty in favour of the petitioner to file appropriate proceedings including making a representation to DIG.

3. As against that, Mr.J.K.Shah, learned Additional Public Prosecutor submits that police officers have done everything that is required to be done pursuant to the grievance raised by the petitioner, and accordingly FIR has already been registered. Hence, at this stage, nothing further requires to be done and hence no further directions are required. Mr.Shah, learned APP submits that petitioner is presuming against the police authority without there being any basis for the same.

4. Be that as it may, without entering into merits of the petition, this petition is being disposed of as the primary grievance of the petitioner has been redressed, as the FIR has been lodged by Keshod Police Station. As regard to second part of the prayer at Para:7(A) is concerned, the petitioner may file appropriate representation to approach the DIG, if he so desires. It is made clear that this Court has not expressed any opinion on merits or about the matter in which investigation has taken place till now or may take place in future.

5. With the above observations, petition is disposed of. Rule is discharged.