IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER) NO. 3488 of 2021

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NAYANSINH NAGBHA PARMAR

Versus

STATE OF GUJARAT & 1 other(s)

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Appearance:
NANAVATI & CO.(7105) for the Applicant(s) No. 1
for the Respondent(s) No. 2
MS MAITHILI MEHTA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE CHEEKATI MANAVENDRANATH ROY**

Date : 24/01/2024
ORAL ORDER

1. This Criminal Misc. Application under Section 482 of the Criminal Procedure Code was filed seeking quash of First Information Report being ACB C.R.No.12 of 2020 registered on 21.10.2020 with Palanpur ACB Police Station against the applicant for the offences punishable under Sections 7(A), 13 (1) (A) and 13 (2) of the Prevention of Corruption Act.

2. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State.

3. The applicant is an employee working as Police Sub Inspector, Special Operation Group, Palanpur. As per the allegations set out in the FIR, it is stated that the applicant as a public servant made illegal demand of Rs.3,00,000/- to do an official favour to the complainant of not putting him behind the bars in a case relating to oil theft. The deal was finalized for Rs.1,50,000/- and it is stated that a sum of Rs.75,000/- was

paid to the applicant and it is agreed that balance amount shall be paid within couple of days.

4. Thereafter, on the report lodged by the complainant, a trap was laid on 21.7.2020, however, the trap failed. But investigation in the case has been going on pursuant to the registration of aforesaid FIR against the applicant.

5. At that stage, present application was filed by the applicant seeking quash of the FIR on the ground that even after the trap, that was laid, has failed, still the investigation is being conducted against the applicant. According to the applicant, it is a false case, that was foisted against him, and such continuation of the proceedings in the given facts and circumstances of the case would amount to abuse of process of law. Therefore, he sought for quash of FIR on the aforesaid ground.

6. At the time of hearing, learned Assistant Public Prosecutor, on instructions, has fairly conceded that trap that was laid failed and the applicant was not found receiving any such bribe, as alleged. She would further submit that after completion of investigation, the investigation officer found that the applicant is not involved in commission of any such offence, as alleged, and that investigation officer has filed “A” Summary report before his superior officer stating that there was no evidence against the applicant to file any charge-sheet against him for the alleged offence and sought permission of his superior officer i.e. Director of Anti Corruption Bureau to file report in the concerned Court dropping further proceedings

against the applicant. Learned APP, on instructions, would also submit that “A” summary report was approved by Director of Anti Corruption Bureau on 23.1.2024. She has also placed on record a copy of the said proceedings dated 23.1.2024 approving “A” summary report. She submits that final report will be filed in the concerned Court.

7. Therefore, eventually when the applicant was not found to have committed any such offence, as alleged, by the complainant and as “A” summary report was filed by investigation officer before Director of Anti Corruption Bureau stating that there was no evidence found against the applicant to prosecute him for any of the offence for which FIR was registered and “A” summary report was approved by the Director of Anti Corruption Bureau, nothing survives in this Criminal Misc. Application for adjudication, as police has decided to file final report dropping the proceedings against the applicant.

8. Recording aforesaid submissions made by learned APP, on instructions, and also in view of “A” summary report and the proceedings of the Director of Anti Corruption Bureau approving said report, Criminal Misc. Application is disposed of. If the concerned Court in which final report is filed rejects said report and, if any further proceedings are taken against the applicant, the applicant is at liberty to challenge the same, if is is so advised.

(CHEEKATI MANAVENDRANATH ROY, J)

R.S. MALEK