

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (DIRECTION) NO. 8772 of 2025**

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PRAHLADBHAI SHANKARBHAI PATEL

Versus

STATE OF GUJARAT & ORS.

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Appearance:

HL PATEL ADVOCATES(2034) for the Applicant(s) No. 1

MS SHRUTI PATHAK, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 18/07/2025**ORAL ORDER**

At the outset, learned advocate for the petitioner does not press the present petition *qua* prayers 13(B) and 13(C) at this stage. Hence, present petition is disposed of as not pressed at this stage insofar as prayers 13(B) and 13(C) of the petition are concerned.

[1.0] By way of present petition, the petitioner prays for direction directing the Respondent authorities to consider and decide the application dated 26.12.2024 of the petitioner in time bound manner.

[2.0] Learned advocate for the petitioner has submitted that the petitioner has approached respondent authority by way of application dated 26.12.2024, but nothing has been done.

[3.0] Perusing the nature of allegations and as the petitioner intends to file a complaint, *prima facie*, it appears that as to whether offence is made out or not itself is a question of fact. At this stage, it would be apposite to consider the observations made by the Apex Court in the case of **M. Subramaniam vs. S. Janki** reported in **(2020)16 SCC 728** as well as the decision in the case of **Imran Pratap Gadhi vs. State of**

Gujarat reported in **2025 SCC OnLine (SC) 678**.

[4.0] In view of above, present petition stands disposed of with direction to the respondent authority to look into the application dated 26.12.2024 and after taking into consideration the same and other materials, if any, if the Police Inspector is of the view that the same discloses commission of a cognizable offence, then appropriate directions be issued for registration of the FIR forthwith at the concerned Police Station. However, the Police Inspector, if after going through the materials, is of the view 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, preferably within a period of four weeks from today.

It is hereby made clear that this Court has not examined the merits of the case. Direct service is permitted.

(HASMUKH D. SUTHAR, J.)

Ajay

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AJAY CHANDRAN MENON(HC00939), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 18/07/2025 17:54:59