

ITEM NO.15

COURT NO.11

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 3167/2020

(Arising out of impugned final judgment and order dated 17-10-2019 in SCRA No. 6471/2017 passed by the High Court Of Gujarat At Ahmedabad)

BHAVIN RASIKBHAI KHAKHKHAR

Petitioner(s)

VERSUS

THE STATE OF GUJARAT & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.26841/2020-CONDONATION OF DELAY IN FILING and IA No.26842/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.26843/2020-EXEMPTION FROM FILING O.T.)

Date : 06-03-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Pradhuman Gohil, Adv.
Mrs. Taruna Singh Gohil, AOR
Ms. Ranu Purohit, Adv.
Ms. Tanya Srivastava, Adv.
Mr. Upendra Sai Parela, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

We are not inclined to exercise our jurisdiction under Article 136 of the Constitution of India. We also find that in the impugned order in para 5, it has been noticed that even if cognizable offence is made out and the police officer is not registering the offence, the complainant is not remedyless and those remedies should have been exhausted and we are in agreement

with this view.

We, however, make it clear that were the petitioner to take a recourse to such an action of a private complaint, the observations made in the impugned order would not prejudice the trial Court.

The Special Leave Petition is dismissed with the aforesaid observations.

Pending applications stand disposed of.

(ANITA RANI AHUJA)
COURT MASTER

(ASHA SUNDRIYAL)
AR CUM PS