IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2025
(@ SLP(CRL.) No.18378/2024)

PRAVINBHAI BHAKTIBHAI PATEL & ORS. APPELLANT(S)

VERSUS

THE STATE OF GUJARAT & ANR. RESPONDENT(S)

O R D E R

1. **Leave granted.**
2. **A chargesheet has been filed, arraigning the appellants for the offences punishable under Sections 143, 147, 149, 354, 323, 294(b), 506(2) of the Indian Penal Code, 1860 and 3(1)(r), 3(1)(s), 3(1)(w) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.**
3. **The case against the appellants is that they arrived at the place of occurrence and committed the aforementioned offences while abusing the respondent - defacto complainant.**
4. **Learned counsel appearing for the appellants would submit that there is a prior civil suit inter se the parties.**

Signature Not Verified
Digitally signed by SWETA BALODI
Date: 2025.03.04 17:00:18 IST
Reason:

The appellants are in actual possession and enjoyment of the suit property, which is the alleged place of occurrence. As a counterblast to the suit filed by the appellants, a complaint has been filed at the behest of the complainant. Even on an earlier occasion, the private respondent's wife had given a complaint invoking the very same provisions against some other accused persons, which has been quashed on consent. The private respondent has also given similar complaints, whenever he has got any grievance.

5. **Learned counsel appearing for the State would submit that upon investigation, it was found that a case has been made out. The allegations being a matter for trial, there is no need for interference to the impugned judgment.**
6. **Despite notice being issued and served, none appears for the contesting respondents.**
7. **We are of the considered view that continuing the proceedings against the appellants would amount to a travesty of justice.**
8. **Admittedly, the appellants have filed a suit which is pending consideration. The present complaint has been filed subsequent to the said suit. We are quite conscious of the fact that mere pendency of the civil suit can never be a bar to the initiation of criminal proceedings. However, the place of occurrence itself is the disputed**

property over which, both the sides are claiming rights. On the facts of the case and especially, after going through the averments made in the First Information Report, we are of the view that it is nothing but a civil dispute between the parties. Perhaps, that is the reason why the contesting respondent has chosen to not appear before this Court.

9. **In such view of the matter, we have no hesitation in setting aside the impugned order. Accordingly, the FIR No.11209041240461 of 2024, and the entire proceedings arising out of it, stand quashed.**

10. **The appeal is allowed accordingly.**

11. **Pending application(s), if any, shall stand disposed of.**

……J.
[M.M. SUNDRESH]

……J.
[RAJESH BINDAL]

NEW DELHI;
24th FEBRUARY, 2025

ITEM NO.42 COURT NO.8 SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 18378/2024

[Arising out of impugned final judgment and order dated 03-07-2024 in SCRA No. 6876/2024 passed by the High Court of Gujarat at Ahmedabad]

PRAVINBHAI BHAKTIBHAI PATEL & ORS. Petitioner(s)

VERSUS

THE STATE OF GUJARAT & ANR. Respondent(s)

Date : 24-02-2025 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s) Mr. Aniket Seth, Adv.
Mr. Saurabh Rajpal, AOR

For Respondent(s) Ms. Deepanwita Priyanka, Adv.
Ms. Swati Ghildiyal, AOR
Mr. Rishi Yadav, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SWETA BALODI) (POONAM VAID)
ASTT. REGISTRAR-cum-PS ASSISTANT REGISTRAR
(Signed order is placed on the file)