

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION NO. 2301 of 2020

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DHAVAL RAJNIKANT PATEL
Versus
STATE OF GUJARAT

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Appearance:

MR AJ YAGNIK(1372) for the Applicant(s) No. 1

NOTICE SERVED(4) for the Respondent(s) No. 2,3,4,5

MR MITESH AMIN, PUBLIC PROSECUTOR(2) for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE R.P.DHOLARIA

Date : 06/11/2020

ORAL ORDER

1. The petitioner is working as Journalist and it is alleged that he has published the article in the Web Portal called "Face of the Nation" wherein he has stated that looking to the failure of the Honourable Chief Minister of Gujarat, he is likely to be replaced and he also named the replacing of the Honourable Chief Minister which led to filing of the complaint against him by the CID Crime and therefore, the petitioner moved an application for quashment of the complaint which was entertained and placed for final hearing.

2. Upon service of notice, the State appeared through the learned Public Prosecutor.

3. This Court has heard Mr.A.J.Yagnik, learned advocate for the petitioner and Mr.Mitesh Amin, learned Public Prosecutor for the respondent State.

4. Mr.Yagnik, learned advocate for the petitioner indicated that the petitioner has tendered unconditional apology which reads as under.

“I, Dhaval Rajnikant Patel, adult male aged 30 and residing at H-1, Akash Elegance, Besides Malay bungalows, Jalaram Parotha, Center lane, Science city road, Sola, Ahmedabad City, the petitioner herein, do hereby solemnly affirm and declare as under :

1. I tender my unconditional apology for the allegedly offending article published by me in my web portal face of the Nation basis which the impugned FIR has been registered against me. My unconditional apology is without prejudice and without admission of any guilt.”

5. Upon hearing the learned advocates for the respective parties and considering the submissions advanced by learned advocate Mr.Yagnik, since the present petitioner is young journalist and he has begun his career and that from the deepest corner of his heart, the petitioner has tendered apology as quoted above and therefore, this Court is satisfied with the apology tendered by the petitioner. Under the circumstances, this Court is of the considered opinion that interest of justice would be served if the present proceedings/FIR are quashed. Accordingly, the petition stands allowed. The impugned FIR/proceedings are quashed and set aside with a caution to the petitioner that

as and when he may publish any article in future, no such comments be used against any constitutional functionaries without verification and he shall be cautious of not repeating the same.

Rule is made absolute to the aforesaid extent. No order as to costs.

SINDHU NAIR/PATHAN

(R.P.DHOLARIA, J)

