

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 298 of 2024**

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CHANDANKUMAR CHHAGANLAL MAHESHWARI & ANR.

Versus

STATE OF GUJARAT & ANR.
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Appearance:

ALPESH D ARYA(8839) for the Applicant(s) No. 1,2
CHETAN D KARIYA(8819) for the Applicant(s) No. 1,2
JAIVIK UDAY BHATT(7319) for the Respondent(s) No. 2
MR UDAY H BHATT(6457) for the Respondent(s) No. 2
MR RONAK RAVAL ADDITIONAL PUBLIC PROSECUTOR for the
Respondent(s) No. 1
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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 04/07/2025

ORAL ORDER

- 1.Heard learned advocate Mr. Chetan D. Kariya for the applicants.
- 2.Learned advocate Mr. Chetan D. Kariya appearing for the applicants does not press this application qua applicant No.1. Hence, this application is disposed of as withdrawn qua applicant No.1. As far as applicant No.2 is concerned, leaned advocate Mr. Chetan Kariya

states that the process issued by the learned 11th Additional Chief Judicial Magistrate, Jamnagar, in Criminal Case No.2278 of 2022 on 8.4.2023 on the ground that the applicant who is shown as authorized signatory in the cheque but her signature was already withdrawn by the company vide communication dated 09.03.2019 and the Bank had acknowledged the same on the same day and therefore, she was not the authorized signatory of the company. It was also pointed out by learned advocate Mr. Kariya that the Coordinate Bench of this Court vide order dated 10.11.2023 in Criminal Misc. Application No. 20550 of 2023 has protected the applicant and similar orders were passed by this Court vide order dated 1.10.2024 in Criminal Misc. Application No.19267 of 2024 and order dated 24.9.2024 passed in Criminal Misc. Application No.18653 of 2024 and hence, considering the fact that the present FIR is in respect of same transaction but in respect of different cheque, similar relief be granted to the applicant.

3. Considering the aforesaid submission, issue **NOTICE to the respondents returnable on 25.7.2025.** Learned Additional Public Prosecutor waives the service of notice on behalf of the respondent No.1 – State and learned advocate Mr. Jaivik Uday Bhatt waives the service of notice on behalf of the respondent No.2 – original complainant. In the meantime, there shall be ad-interim relief in terms of paragraph No.12B qua the applicant No.2 only.

4. To be heard with Criminal Misc. Application No. 18653 of 2024.

(NIRZAR S. DESAI, J)

Pallavi