

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 1049 of 2026**

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SHAYUL PANKAJBHAI PATEL
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR HARSHIT S. TOLIA, LD. SENIOR ADVOCATE WITH MR MEET A
SHAH(9933) for the Applicant(s) No. 1
MS ASMITA PATEL, LD.ADDL. PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS

Date : 17/02/2026

ORAL ORDER

1. Learned advocate Mr.D.D.Soni appears and submits that he has instructions to appear on behalf of the respondent No.2 – complainant. Registry shall accept his vakalatnama.
2. Heard learned Senior Advocate Mr.Harshit S. Tolia with learned advocate Meet Shah appearing for the applicant-accused; learned Additional Public Prosecutor Ms.Asmita Patel appearing for the respondent No.1 and learned advocate Mr.D.D.Soni appearing for the respondent No.2.
3. Perused the entire material, along with the impugned FIR as well as the original investigation papers placed on record by the Investigating Officer.

4. It prima facie appears that for a contractual dispute of a civil nature, the present complainant has filed in all four complaints prior to the registration of the present FIR, and after the investigation into those four complaints, the police had filed closure reports stating that since the dispute is of a civil nature, no offence is made out. It clearly appears that suppressing the said fact, the present complaint has been filed after eight years of the occurrence.

5. Having considered the explanation offered by the complainant in column No.8 of the impugned FIR, it seems that the same is not at all palatable. Further, considering the entire material in its entirety, the Court is of the opinion that the dispute between the parties is of a civil nature, which has been given the colour and cloak of criminal proceedings.

6. Issue **NOTICE** to the respondents, making it returnable on 09.04.2026.

7. Learned APP Ms.Asmita Patel waives service of notice for and on behalf of the respondent no.1 and learned advocate Mr.D.D.Soni waives service of notice for and on behalf of the respondent No.2.

8. In the meantime, the investigation may continue; however, no coercive steps shall be taken against the present applicant till the next date of hearing.

DIPTI PATEL

(VIMAL K. VYAS, J)