

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 1811 of 2026

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KARMIL MAHENDRABHAI PATEL & ANR.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR. SUHAIL Z SAIYED(6690) for the Applicant(s) No. 1,2

NOTICE SERVED for the Respondent(s) No. 2

MS MONALI BHATT, ADDL.PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER

Date : 05/08/2026

ORAL ORDER

1. Though served, none appears on behalf of respondent No.2.

1.Learned advocate Mr. Saiyed submits that, as per the allegations made in the impugned FIR, the complainant had borrowed an amount of Rs.53 lakh from the present applicant through different cheques and had repaid a total sum of Rs.73 lakh. It is further alleged that the present applicant thereafter demanded an additional amount of Rs.53 lakh by contending that the amount already paid was towards interest alone and that the principal amount still remained outstanding. Learned advocate Mr. Saiyed has drawn the attention of this Court to the bank statement, which reveals that, apart from the

cheque transactions referred to in the FIR, an amount of Rs.19 lakh was transferred by the present applicant to the complainant through RTGS on 23.09.2020. It is submitted that the cheques issued by the complainant towards repayment of the said amount were also dishonoured. It is, therefore, submitted that, instead of repaying the amount admittedly borrowed, the complainant has lodged the impugned FIR and that the continuation of the proceedings amounts to an abuse of the process of law.

2. Considering the aforesaid submissions, **Rule.**
3. Learned APP Ms. Monali Bhatt waives service of notice of Rule on behalf of the respondent-State.
4. Interim relief in terms of paragraph **16(B)** is granted.

(M. K. THAKKER,J)

M.M.MIRZA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MUDDASAR MUSTAKBHAI MIRZA(HC01407), PRIVATE SECRETARY, at High Court of Gujarat on 07/08/2026 09:26:38