

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 1569 of 2026

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NIRMALABEN MOHANLAL GADA & ORS.

Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR PREMAL RACHH, LD.ADVOCATE FOR MR FENIL H BATHIYA(13663)
for the Applicant(s) No. 1,2,3
MR MANAN MAHETA, LD.ADDL. PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS

Date : 12/02/2026

ORAL ORDER

1. Heard learned advocate Mr.Premal Rachh appearing for the applicants and learned Additional Public Prosecutor Mr.Manan Maheta appearing for the respondent No.1.

2. The Court has perused the entire material, along with the impugned FIR. The Court has also perused the original investigation papers placed on record by the Investigating Officer.

3. Learned advocate Mr.Premal Rachh appearing for the applicants has submitted that in the year 2008, the father of the complainant had executed a registered sale deed in favour of the present applicant, however, the entry regarding the same was not mutated in the record of rights. It is submitted that taking benefit of the same, the father of the complainant had executed one another sale deed in favour of the second purchaser and an entry to that effect was also mutated in the record of rights.

4. It is further submitted that the said entry was challenged by the applicant before the Deputy Collector, who, after appreciating the entire material, cancelled the entry recorded in favour of the second purchaser and mutated the name of the applicant in the record of rights. Thereafter, the applicant filed a criminal complaint against the father of the complainant, wherein, process has been issued. Thereafter, the present complaint has been filed and the learned Magistrate, without considering all the aforesaid, issued a process against the present applicant.

5. Issue **NOTICE** to the respondents, making it returnable on 08.04.2026.

6. Learned APP Mr.Manan Maheta waives service of Rule for and on behalf of the respondent no.1 – State of Gujarat.

7. In the meantime, there be an ad-interim relief, in terms of Para 7(B) of the application qua the present applicant only, till the next date of hearing.

(VIMAL K. VYAS, J)

DIPTI PATEL