

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 2346 of 2026**

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NAYANKUMAR KANAIYALAL GAJJAR

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR JAY A TAMAKUWALA(11987) for the Applicant(s) No. 1

MR. RONITH JOY(9560) for the Applicant(s) No. 1

MS. ASMITA PATEL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS**Date : 27/02/2026****ORAL ORDER**

1. Leave to amend. The amendment shall be carried out forthwith.
2. Heard learned advocate Mr. Ronith Joy appearing for the applicant.
3. Perused the entire material placed on the record along with the impugned FIR. It prima facie appears that the respondent No.2 herein has filed an application with the same allegations before the same Police Station, which was inquired into, and after due inquiry, the same was ordered to be filed in the month of April- 2024. It clearly appears that this fact was well within the knowledge of the applicant, however, suppressing the same, he has filed one another application, and on the basis of the same, the impugned FIR has been registered on 23.03.2025.

4. Upon bare perusal of the FIR, it prima facie appears that the transaction between the complainant and the applicant a commercial transaction, therefore, the dispute appears to be of a civil nature. It also appears that on the basis of the said FIR, the applicant was arrested and even charge-sheet was also filed against him before the trial Court.

5. In view of the aforesaid, this Court is of the opinion that the present application deserves consideration.

6. Issue **RULE** making it returnable on 07.05.2026.

7. Learned APP Ms. Asmita Patel waives service of notice of rule for and on behalf of the respondent no.1 - State of Gujarat.

8. In the meantime, let there be an ad-interim relief in terms of paragraph no. 9-C qua the applicant, till the next date of hearing.

(VIMAL K. VYAS, J)

prk