

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 3087 of 2026**

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CHHAVINATHSING RAMSWARUPSING RATHOD & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR. AAYUSH S BHANDARI(14378) for the Applicant(s) No. 1,2,3,4,5,6,7,8

MS.DILBUR CONTRACTOR(6388) for the Applicant(s) No. 1,2,3,4,5,6,7,8

PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER**Date : 17/06/2026****ORAL ORDER**

1. Learned advocate Ms. Dilbur Contractor for the applicants submits that land bearing Survey No.257 (Old Survey No.602/13) had been leased to the company since 1976 and had extended up to year 2030. It is submitted that respondent No. 2, who is the complainant, had encroached upon the said land by constructing a compound wall. As per the allegations made in the FIR, the complainant was informed in the morning that the officers of the applicant - company would visit the site for removal of the illegal encroachment. Consequently, the complainant, along with 8 to 10 family members, remained present at the spot. As per the allegations, while removing the encroachment, abusive language was used. Learned advocate Ms. Contractor further submits that, prior to the removal of the illegal encroachment, the officers of

the applicant - company had approached the Police Inspector, Ranavav Police Station, requesting police protection for carrying out the removal of the encroachment. It is further submitted by the learned advocate Ms. Contractor that in the FIR there was no specification with regard to the using of abusive language and by making general allegations, the impugned FIR came to be lodged. Drawing the attention of the judgment of the Hon'ble Apex Court in the case of **Fiona Shrikhande v. State of Maharashtra**, reported in **(2013) 14 SCC 44**, learned advocate Ms. Contractor has submitted that every insult would not fall under the definition of Intentional insult with intent to provoke breach of peace and therefore, impugned FIR is lodged only as a counter-blast of the action of the applicant – company of removing the illegal encroachment.

2. In view of above submissions, notice returnable on 28.07.2026.

Ad-interim relief in terms of para 7D of this application be granted.

Vikramsinh Amarsinh

(M. K. THAKKER,J)