

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 3065 of 2025**

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MUKESH BANSAL & ORS.
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR JAL UNWALA, SENIOR ADVOCATE with
MR DHRUV TOLIYA(9249) for the Applicant(s) No. 1,2,3,4,5,6,7,8
MR TRUPESH KATHIRIYA, APP for the Respondent – State

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CORAM:HONOURABLE MR. JUSTICE SANDEEP N. BHATT

Date : 11/02/2025

ORAL ORDER

Learned advocate for the applicants does not press this application qua applicant No.1 i.e. M/s. Shree Krishnkeshav Laboratories Ltd. This application is disposed of as not pressed qua applicant No.1 only. Accordingly, this application is considered qua applicants No.2 to 6.

Mr.Unwala, learned senior advocate has drawn the attention of this Court towards the averments made in the complaint which is filed under the provisions of the Drugs and Cosmetics Act, 1940 and has contended that nowhere in the entire complaint, the complainant has made specific averments about the specific role of the present applicants in day-to-day affairs of the company. In support of his

submissions, he has relied upon the recent decision of the Hon'ble Apex Court in the case of Sanjay Datt versus State of Haryana – Criminal Case No.11 of 2025 and also on the decision of the Coordinate Bench of this Court recorded on M/s, Linkan Pharmaceuticals Ltd., versus State of Gujarat reported in 2022 (0) AIJEL (HC) 245342.

Considering the averments made in the application and also considering the submissions made at the bar as well as on bare perusal of the complaint, no specific averments regarding role of the Directors i.e. applicants No.2 to 6 in the alleged offence are made. Therefore, the matter requires further consideration.

Notice returnable on 27.02.2025. Learned APP waives service of notice for and on behalf of the respondent – State. In the meantime, interim relief in terms of Para : 9(b) of this application is granted qua applicants No.2 to 6 only.

To be heard with Special Criminal Application No.17202 of 2024.

M.H. DAVE

(SANDEEP N. BHATT,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MAHESHKUMAR HASMUKHLAL DAVE(HC00193), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 11/02/2025 14:20:49