

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 3921 of 2026**

**With
CRIMINAL MISC.APPLICATION (FOR STAY) NO. 1 of 2026
In R/CRIMINAL MISC.APPLICATION NO. 3921 of 2026**

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DILIPSINH S/O BHIKHABHAI ZALA (THAKOR) & ANR.

**Versus
STATE OF GUJARAT & ANR.**

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Appearance:

**SENIOR ADVOCATE MS.MEGHA JANI for SONAL J BHAVSAR(7399) for
the Applicant(s) No. 1,2**

MR.JAY MEHTA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER

Date : 28/07/2026

ORAL ORDER

1. Learned senior advocate Ms.Megha Jani has submitted that after lodging the complaint which the subject matter of challenge in Criminal Miscellaneous Application No. 3721 of 2026, another complaint came to be filed with similar allegations against present applicant who is the husband and accused no.2, who is also one of the accused in the earlier part of the complaint.
2. Learned senior advocate Ms.Megha Jani has submitted that the complaint came to be filed against present applicant for stealing railway property worth Rs.700/-. It

is submitted that alleged theft which has taken place on 27.09.2015 against which the present applicant has also filed complaint against Railway Officer which was numbered as Criminal Inquiry No.169 of 2015. It is submitted that while conducting the said inquiry, learned Magistrate came to the conclusion that there is an over writing in the station diary as well as there is a discrepancy in the time of arrest stated. It is submitted by learned senior advocate Ms.Megha Jani that when the present applicants were on the way of offering prayer to Mahakali temple situated near the railway station, the allegations are made to the extent that they were stealing the railway property and running with 20 kgs. diesel shade and iron scrap. It is submitted that present applicant had dialed 100 in the year 2015 and has filed complaint against railway officer which was subsequently settled. Again, keeping grudge of the said complaint, the applicants were implicated in the impugned complaint.

- 2.1. It is submitted by learned senior advocate Ms.Megha Jani that during the pre-charge evidence, the contradictions were established by the present applicant

with regard to the weight, place and with regard to the lot number if any allotted to the scrap material. It is submitted that the discharge application is filed by the present applicant which came to be rejected by the learned Court on the ground that statutory presumption is available under section 3 of RPUP Act, 1966 against the present applicants and therefore, it is held that prima facie material is available against present applicant. It is submitted that present applicant is falsely implicated with a view to take revenge for the earlier complaint which was subsequently settled.

3. Learned senior advocate Ms.Jani states at bar that after rejection of the discharge application, no charge is framed till date.
4. Considering the above submissions, let notice be issued 25.09.2026. Learned APP Mr.Jay Mehta waives service of notice on behalf of respondent-State.
5. Ad-interim relief in terms of para 8.(C) is granted.

ORDER IN CRIMINAL MISC.APPLICATION (FOR STAY)
NO. 1 of 2026 In R/CRIMINAL MISC.APPLICATION NO.
3921 of 2026

In view of the order passed in main matter, this

application is disposed of.

ARCHANA S. PILLAI

(M. K. THAKKER,J)