

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC. APPLICATION (FOR QUASHING & SET ASIDE  
FIR/ORDER) NO. 3877 of 2026**

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UJASHKUMAR VASANTBHAI PATEL

Versus

STATE OF GUJARAT & ANR.  
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Appearance:

MR. MAULIK M SONI(7249) for the Applicant(s) No. 1

MR ADITYA JADEJA, APP for the Respondent(s) No. 1  
=====CORAM:**HONOURABLE MS. JUSTICE S.V. PINTO****Date : 27/04/2026****ORAL ORDER**

1. By way of the present application, the applicant has  
prayed as follows :

- (A) This Honourable Court may be pleased to exercise the powers vested under the provisions of Section 528 of the Bharatiya Nagarika Suraksha Sanhita and thereby be pleased to quash and set aside the impugned FIR being C.R.No.11214042251620 of 2025 registered with Olpad Police Station, District Surat for the alleged offences punishable under Sections 316(2), 318(4), 351(4) of the BNS, 2023 as well as u/s. 66(c), 66(d) of the I.T.Act.
- (B) Pending admission, hearing and final disposal of the present application, this Honourable Court may be pleased stay further proceedings in connection with the impugned FIR being C.R.No.11214042251620 of 2025 registered with Olpad Police Station, District Surat for the alleged offences punishable under Sections 316(2), 318(4), 351(4) of the BNS, 2023 as well as u/s. 66(c), 66(d) of the I.T.Act.
- (C) This Honourable Court may be pleased to grant such

other and further relief as may be deemed fit in the interest of justice”

**2.** As per the case of the prosecution, the brief facts are as under:

**2.1.** The complainant has been working as an Operator for the past one year at Cyanide Chemical Company on Olpad–Surat Road and maintains savings accounts with Punjab National Bank, Bishwa Branch, District Sitapur (Uttar Pradesh), and State Bank of India, Olpad. He uses both accounts through the Google Pay Application on his mobile phone for online transactions. On 24.10.2024, he received a call from an unknown number i.e. 9714907654. The caller, speaking in a convincing manner, induced the complainant to transfer money on the assurance that the amount would be doubled and returned within a few days. Acting upon such representation, the complainant attempted to transfer Rs.10,000/- through Google Pay, but the transaction failed. Thereafter, he requested his friend, Puneet Maurya, from his native place, to transfer the said amount, and accordingly, his friend transferred Rs.10,000/- through Google Pay on 24.10.2024 at 8:53am. Subsequently, the caller contacted the

complainant via WhatsApp and attempted to persuade him to send more money; however, due to lack of funds, the complainant did not transfer any further amount. After a lapse of three to four months, upon not receiving any return, the complainant realized that he had been deceived. When he attempted to contact the caller, the calls did not connect, and the WhatsApp messages were not properly responded to. Upon demanding the return of Rs.10,000/-, the caller refused and threatened the complainant with dire consequences, including threats to his life, and used abusive language. Thereafter, the caller became unreachable and blocked the complainant's alternate number as well. Thus, the complainant was cheated and defrauded of Rs.10,000/-, leading to the filing of the present complaint.

3. Learned advocate Mr. Maulik Soni for the applicant submits that the applicant is an Assistant Manager in SAJ Company and was merely discharging his duties, including coordination with Uni Star Company pursuant to a valid sub-contract, and has no nexus, whatsoever, with the alleged transaction. Learned advocate submits that the impugned FIR,

though initially lodged against unknown persons, has subsequently been maliciously directed against the applicant due to personal and professional grudge and the allegations are vague, baseless, and inherently improbable, and fail to disclose the essential ingredients of any offence, including forgery under the Bharatiya Nyaya Sanhita. Learned advocate submits that the FIR has been lodged with an ulterior motive to harass the applicant, tarnish his professional reputation, and exert undue pressure arising out of workplace disputes. The applicant is wholly innocent and has been wrongly implicated. Even if the allegations are taken at face value along with the material collected during investigation, no offence is made out against the applicant. The allegations are so absurd that no prudent person could reach a conclusion that there exist reasonable grounds to proceed. The proceedings are manifestly mala-fide and instituted with an oblique motive to wreak vengeance. Hence, the impugned FIR is a patent abuse of the process of law, being frivolous and vexatious, and therefore deserves to be quashed and set aside.

**4.** Learned APP Mr.Aditya Jadeja for the respondent

no.1 – State, by producing a report of Police Inspector, Olpad Police, opposes the application and submits a prima-facie case is made out against the present applicant, as the investigation reveals frequent telephonic communication between the applicant and the complainant and that the amount in question has been credited to the bank account of the applicant; that the applicant, with an intention to commit cheating, induced the complainant by offering to double the money and assured him during telephonic conversations that the amount would be doubled within a short period, and by gaining his trust and confidence, obtained Rs.10,000/- through Google Pay; that upon repeated demands for return of the said amount, the applicant abused the complainant in filthy language and threatened to kill him, thereby committing offences of cheating and criminal breach of trust; and that despite issuance of notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant has neither remained present nor cooperated with the investigation till date, and therefore, the present application deserves to be rejected.

5. The Hon'ble Supreme Court, in Para – 23 of the

decision in the case of **M/s. Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra** reported in **AIR 2021 (SC) 1918**, has observed as under :

- “23. In view of the above and for the reasons stated above, our final conclusions on the principal/core issue, whether the High Court would be justified in passing an interim order of stay of investigation and/or "no coercive steps to be adopted", during the pendency of the quashing petition under Section 482 Cr.P.C and/or under Article 226 of the Constitution of India and in what circumstances and whether the High Court would be justified in passing the order of not to arrest the accused or "no coercive steps to be adopted" during the investigation or till the final report/chargesheet is filed under Section 173 Cr.P.C., while dismissing/disposing of/not entertaining/not quashing the criminal proceedings/complaint/FIR in exercise of powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India, our final conclusions are as under:
- i) Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into a cognizable offence;
  - ii) Courts would not thwart any investigation into the cognizable offences;
  - iii) It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on;
  - iv) The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the 'rarest of rare cases (not to be confused with the formation in the context of death penalty).
  - v) While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;

- vi)** Criminal proceedings ought not to be scuttled at the initial stage;
- vii)** Quashing of a complaint/FIR should be an exception rather than an ordinary rule;
- viii)** Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere;
- ix)** The functions of the judiciary and the police are complementary, not overlapping;
- x)** Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;
- xi)** Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;
- xii)** The first information report is not an encyclopedia which must disclose all facts and details relating to the offence reported.

**6.** Having heard the learned advocate for the applicant and the learned APP for the respondent–State, and upon perusal of the material placed on record, this Court is of the considered view that a prima facie case is made out against the applicant. The allegations in the FIR, supported by the material collected during investigation, disclose that the applicant induced the complainant to part with money on the false assurance of doubling the same, that the amount has been credited to the applicant's bank account, and that upon demand for return, the

complainant was subjected to abuse and threats. At this stage, the contentions raised on behalf of the applicant pertain to disputed questions of fact which cannot be adjudicated in proceedings seeking quashing of the FIR. In light of the settled principles laid down by the Hon'ble Supreme Court in **Neeharika Infrastructure Pvt. Ltd. (Supra)** this Court would not be justified in stalling the investigation when the FIR discloses commission of cognizable offences and the investigation is at a nascent stage. The power of quashing is to be exercised sparingly and only in exceptional circumstances, which are not made out in the present case. Accordingly, the present application, being devoid of merits, deserves to be and is hereby rejected.

**7.** The present application, being devoid of merit, deserves to be rejected and is accordingly rejected.

F.S. KAZI

**(S. V. PINTO,J)**