

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**  
**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE**  
**FIR/ORDER) NO. 6006 of 2025**

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BHARTIBEN PARSOTTAMBHAI KAMANI & ANR.

Versus  
STATE OF GUJARAT & ANR.

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Appearance:

MR PRATIK Y JASANI(5325) for the Applicant(s) No. 1,2

MR YUVRAJ BHRAHMBHATT, APP for the Respondent(s) No. 1

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**CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI**

**Date : 25/03/2025**  
**ORAL ORDER**

1. Heard Mr. Pratik Jasani, learned advocate for the applicants.

2. Mr. Jasani, learned advocate for the applicants submits that the respondent no.2 - complainant is the real brother of the applicants and he has created a bogus and fabricated Will of his father and based upon the said document, he has tried to get the order of the property of family. In-fact, at the earlier point of time, on the basis of said Will, the applicants herein had relinquished their right upon the property by way of filing an affidavit in favour of the complainant. He further submits that then-after, the Will purportedly prepared by the respondent - complainant has come on surface and the mother of the applicants has filed suit for cancellation of the said Will, then-after, subsequently, a partition suit is filed. He further submits that on the strength of above stated development

took place in the matter, the names of the applicants have not been deleted from the record of rights and due to which, subsequently, after the order of partition is passed by the authority concerned, the applicants have relinquished their right in favour of the mother and another brother by way of filing affidavit before the Mamlatdar. He further submits that in-fact, during the pendency of the present proceedings, the mother has filed a complaint against the respondent no.2 and before registration of the present FIR, the complainant has preferred an application in the form of complaint before the competent court and after thoroughly examination of the papers, the officer concerned has jumped to the conclusion that no offence could be said to have been made out and application preferred by the applicant is to be filed. He further submits that despite the said fact that there was chequered history in the matter, all those material facts have not been disclosed by the complainant at the time of institution of the complaint.

3. Considering the above stated factual aspects of the matter, there is merit in the application. Hence, **Issue Notice** to the respondents, returnable on **26.06.2025**. Learned Additional Public Prosecutor waives service of notice for and on behalf of the respondent -State of Gujarat.

In the meantime, the learned trial court is directed not to proceed further.

A. B. VAGHELA

**(DIVYESH A. JOSHI,J)**