

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 2632 of 2026**

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UMMEDSINGH SURENDRASINGH SIKARWAR & ANR.
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MS.KHUSHBOO AAKASH SHETH(5932) for the Applicant(s) No. 1,2
MR H K PATEL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY

Date : 23/02/2026

ORAL ORDER

1. Learned advocate Mr. Jitendra Malkan submits that the present petition is filed challenging the order of issuance of process passed by the learned Court concerned. He submits that at the time of passing the order of issuance of process against the petitioners the learned Court concerned has not fully complied the provisions of the Bharatiya Nagarik Suraksha Sanhita. He further submits that, in fact, it is the specific case of the petitioners that petitioners herein were arrested by Bhavnagar police on the basis of an application in the form of complaint given by respondent No.2 herein and they were taken into police custody, and at that relevant point of time, by way of force, duress and coercion, certain cheques were obtained by the complainant and subsequently those cheques were misused by the complainant. He further submits that immediately on the next day i.e. on 14.09.2024, after releasing from the police custody, petitioners herein have made a detailed representation to the District Superintendent of Police by narrating those facts. However, the said

representation has not been decided, and therefore, the petitioners herein have preferred petition before this Court. And, considering and appreciating the material available on record, the Coordinate Bench of this Court has issued specific direction to the concerned police authority to decide the representation of the petitioners within a period of four weeks, and after two weeks therefrom, they have to intimate the petitioners about the outcome of the said representation. However, till now, no communication is received by the petitioners from concerned police authority. He further submits that during the interregnum period, complainant deposited the said cheque and thereafter instituted the prosecution against the petitioner under Section 138, 139, 141 and 142 of the Negotiable Instruments Act. Learned advocate Mr. Malkan further submits that it is the specific case of the petitioners that they were taken into the police custody, and during that period, with the help of police machinery, those cheques have been received by the complainant under duress and coercion. To substantiate his submission, learned advocate has placed on record those documents. He further submits that, it is also found out from the body of the complaint registered by the complainant that he has received the copy of the said cheque by executing a deed on 14.09.2024 and admittedly on that day, petitioner was in the police custody.

2. In view of the aforesaid submissions, issue notice to the respondents, making it returnable on 11.03.2026. Learned APP waives service of notice for the respondent No. 1 - State.

3. In the meantime, learned Trial Court is directed not to

proceed further with the hearing of the concerned criminal cases filed by the respective complainants against the petitioners.

SAKSHI MAURYA

(M. R. MENGDEY,J)