

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 5707 of 2026**

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JINUJI BHARTIJI VAGHELA

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR MAHENDRA U VORA(3034) for the Applicant(s) No. 1

MR. ROHAN SHAH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI

Date : 27/04/2026**ORAL ORDER**

Learned advocate Mr. Mahendra U. Vora appearing for the applicant submits that prior to filing of the recovery warrant application, the applicant had already placed on record before the concerned Family Court an application along with supporting documents, setting out the particulars that a settlement had been arrived at between the parties. It is submitted that as part of the said settlement, three cheques aggregating to an amount of Rs. 4,00,000/- were handed over to the respondent – wife, which have already been encashed by her. He further submits that these aspects were duly brought on record before the Court concerned, however, no order has been passed on the said application.

It is further submitted that thereafter, the respondent – wife preferred a recovery application, wherein, without verifying the veracity of the claim and without taking into consideration

the aforesaid payment, the Court below has passed a cryptic order directing issuance of a recovery warrant, without advertting to the fact that an amount exceeding Rs. 4,00,000/- has already been paid by the applicant.

Considering the aforesaid factual aspects of the matter, issue **NOTICE** making it returnable on **12.06.2026.**

In the meantime, the operation and implementation of the order issuing the recovery warrant shall remain stayed. It shall be open for the applicant to appear before the concerned Family Court during the interregnum period and place on record the aforesaid position for appropriate consideration.

Direct service is permitted.

(DIVYESH A. JOSHI,J)

GARVITA