

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 6339 of 2026**

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MAMADASHIF @ASHIFBHAJ KASAMBHAI LAKHANA
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR BRIJ V SHETH(10594) for the Applicant(s) No. 1
RONAK RAVAL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER

Date : 29/04/2026

ORAL ORDER

1. It is submitted by learned Mr. Sheth for the applicant that initially the first transaction was undertaken with the complainant along with other accused by the present applicant and that was cleared. It is further submitted that thereafter, in the year 2024, the accused No.1 borrowed an amount from the complainant, which was also repaid. It is submitted that thereafter again, on 30.06.2025, money was borrowed and thereafter, Shabbir fled away, which resulted into the impugned FIR. It is further submitted that, in fact, the present applicant has tried to resolve the dispute and has paid Rs.8,50,000/-. Accused No.1 was the cousin brother of the present applicant and was the partner of "Keniss" for wholesale trading of dry fruits. It is submitted that the quashing petition which is filed against the

accused No.1, wherein notice was issued and the order of no coercive steps had been passed. In that background, continuation of the process against the present applicant would be an abuse of the process of law.

2. *Per contra*, learned advocate Mr. Pujara appearing for the complainant submitted that after granting the protection, the accused No.1 did not cooperate with the investigation and anticipatory bail of the applicant is rejected. It is further submitted that the applicant and accused No.1 both were together, as they were partners of "Keniss" for wholesale trading of dry fruits, and therefore, at this stage, no interference is required.

3. Learned APP Mr. Raval submits that the applicant was arrested and has been enlarged on regular bail, and the investigation is at large.

4. Considering the above submissions made by the learned advocates of respective parties, notice returnable on 22.06.2026.

To be heard with Special Criminal Application No.3877 of 2026.