

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 6394 of 2026**

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RAMESHBHAI KURJIBHAI LAKHANI & ANR.**Versus****STATE OF GUJARAT & ANR.**

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Appearance:**MR. R.R.MARSHALL WITH MR DAIFRAZ HAVEWALLA for the****Applicant(s) No. 1,2****MR.PREMAL RACHH WITH MR SAGAR D VAGHASIYA(13308) for the****Respondent(s) No. 2****PUBLIC PROSECUTOR for the Respondent(s) No. 1**

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CORAM:HONOURABLE MS. JUSTICE S.V. PINTO**Date : 08/05/2026****ORAL ORDER**

1. Heard learned Senior Counsel Mr. R.R. Marshall assisted by learned advocate Mr. Daifraz Havewalla for the applicants, learned Additional Public Prosecutor for the respondent No.1 – State and learned advocate Mr. Premal Rachh with learned advocate Mr. Sagar D. Vaghasiya for the respondent No.2 – original complainant.
2. Learned Additional Public Prosecutor has tendered the report of the Police Sub Inspector, Utran Police Station, Surat City, which is taken on record.
3. On perusal of the First Information Report, it transpires that the complaint has been filed by the complainant – Hiralben Jayeshbhai Lakhani against original accused No.1 – Mayurbhai Ranabhai Lakhani, who is her brother-in-law; accused No.2 – Ranabhai Bachubhai, who is her father-in-law; accused No.3 – Kanchanben Ranabhai Lakhani, who is her mother-in-law; and

accused No.4 – Jigneshi Kudjibai Lakhani, the applicant No.1 herein – the accused No.5 – Rmesh Kudjibhai Lakhani and applicant No.2 herein, the accused No. 6 – Kaniyana Manjibhai Mangukiya and accused No.7 – Hiteshbhai Jivrajbhai Savani.

4. As per the complainant, she was married to Jayeshkumar Ranabhai Lakhani on 25.11.2007 and her husband was engaged in the business of land and finance along with accused Nos.1 and 2. On 20.12.2021, her husband – Jayeshbhai Lakhani committed suicide by hanging himself at his office situated at Shop No.6, Raizom Plaza, Sarthana Jakat Naka, Surat, pursuant to which Accidental Death No.158 of 2021 came to be registered. Thereafter, the accused Nos.1, 2 and 3 informed her that her deceased husband had executed a Will and the accused No.4 took her to the office of the Sub-Registrar for affixing her signatures, where she was introduced to accused Nos.6 and 7, who were the attesting witnesses to the said Will. The Will came to be registered before the office of the Sub-Registrar vide Registration No.7285 of 2022 dated 09.03.2022.

5. On the basis of the said Will, certain properties were transferred in the name of the accused No.3 and property bearing Revenue Survey No.6/1+7, Block No.05, T.P. Scheme No.18, Mota Varachha, O.P. No.5, Final Plot No.6 Paiki, Sub-Plot No.2 came to be sold to the applicant No.1 herein. So far as the role attributed to the present applicants is concerned, the complainant has alleged that she came to know that a forged account in her name was opened with Financial Corporate Bank Limited bearing Account No.4191005006001559 and that her signatures were forged and

the accused No.1 had withdrawn certain amounts and transferred certain amounts to the account of the applicant No.2 herein as well as to other accounts, and thereby the applicants have committed criminal breach of trust with her.

6. Before filing of the FIR, Janva Jog Entry No.50 of 2024 came to be registered at Utran Police Station on 19.12.2024 and the necessary documents were seized and forwarded to the FSL. Thereafter, FSL Report No.DFS/EE/2025/HEB/00165/58/ 2026 dated 13.12.2026 was received and pursuant thereto, the complaint came to be registered on 27.02.2026 for the offences punishable under Sections 420, 465, 467, 468, 471, 120B and 114 of the IPC.

7. Upon perusal of the documents produced by the applicants as well as the documents placed on record by the learned advocate for respondent No.2, the affidavit of respondent No.2 – original complainant and the report submitted by the PSI, Utran Police Station through the learned APP, it prima facie appears that the role attributed to the present applicants is different from the role of the other co-accused. The FIR reveals that the applicants had entered into transaction for purchase of property with the complainant and were engaged in business dealings with the complainant's family members. There is material on record regarding the financial transactions as well as the sale transaction pertaining to the immovable property. However, it is admitted by the complainant herself that she had executed a registered sale deed in favour of the applicant No.1 herein. So far as applicant No.2 is concerned, the complainant has alleged that he had accompanied her to the office of the Sub-Registrar for registration

of the Will of her husband and she was informed about the Will, accused No.1 – Mayurbhai Ranabhai Lakhani, accused No.2 – Ranabhai Bachubhai and the accused No.3 – Kanchanben Ranabhai Lakhani. The allegations qua the present applicants are mainly with regard to the financial transactions and the grievance that she had received lesser consideration than the prevailing market value of the property.

8. Considering the fact that the investigation in the present matter has been going on since 19.11.2024 pursuant to Janva Jog Entry No.50 of 2024 registered with Utran Police Station, Surat City and further considering that the role attributed to the present applicants is distinct from that of original accused Nos.1 to 3 and accused Nos.6 and 7, no coercive steps shall be taken against the present applicants. The applicants shall, however, fully cooperate with the investigation and attend to any notice served by the Investigating Officer and appear for investigation.

9. It is clarified that if the Investigating Officer is of the opinion that the custodial interrogation of the applicants is necessary, it shall be open for the Investigating Officer to move an appropriate application for vacating the interim relief granted herein before this Court.

10. List this matter on 09-10-2026.

VISHAL MISHRA

(S. V. PINTO,J)