

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 6190 of 2026**

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MAHENDRABHAI RAMBHAI VICHHIYA (WRONGLY MENTION IN FIR AS
MAHENDRABHAI RAMKUBHAI VICHHIYA
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR MAULIN G PANDYA(3999) 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 : 29/04/2026

ORAL ORDER

Learned advocate Mr. Maulin Pandya for the applicant submits that as per the case of the prosecution, the so-called incident is occurred on 01.01.2023, whereas, FIR is registered on 13.10.2025. Thus, there is gross delay of more than 2 years and 9 months in registering the FIR and there is no explanation worth-the-name given by the complainant in the entire body of the FIR about delayed registration of the FIR. He further submits that in fact on the very same day, disputes have been cropped up between the cousin brother of the applicant and complainant and cousin of the applicant had lodged FIR against the present complainant and as a counter blast, present false FIR is registered by the complainant arraigning the applicant.

He further submits that in fact criminal colour is given to a civil dispute. He further submits that in fact applicant and complainant are having good relationships since last 15 years and those particular facts can be found out from the body of the FIR. He further submits that in fact applicant herein has already produced the documents to show that when the said vehicles were purchased by the complainant, at that relevant point of time, the entire amount equal to the price of the vehicles mentioned in the bills, has been credited in the account of the complainant from the account of the applicant and since then those vehicles are lying in the custody of the applicant but due to the incident occurred between the cousin brother of the applicant and complainant, by keeping grudge, present false and fabricated FIR has been registered by the complainant. He, therefore, submits that there is merit in the matter.

In view of the aforesaid submissions canvassed by learned advocate for the applicant, issue notice to the respondents, making it returnable on 03.08.2026. Learned APP waives service of notice qua respondent No.1 – State. Direct service through concerned police station is permitted qua respondent No.2 – original complainant.

In the meantime, the investigating officer concerned is directed to carry out the investigation

but no coercive steps shall be taken against the applicant.

LAVKUMAR J JANI

(DIVYESH A. JOSHI,J)