

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 4775 of 2025**

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PIYUSHBHAI GOPALBHAI PATEL
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR J.M PANCHAL, SR. ADV. Assisted by MR DARSHAN M
VARANDANI(7357) for the Applicant(s) No. 1
MR ROHAN SHAH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 21/07/2025
ORAL ORDER

1. Heard Mr. J.M. Panchal, learned Senior Advocate assisted by Mr. Darshan Varandani, learned advocate appearing for the petitioner and Learned APP appearing for the respondent-State.
2. The present petition is filed by the petitioner seeking following prayer:

“13 (A)This Hon'ble Court may be pleased to issue an appropriate writ, order or direction for quashing and setting aside the FIR being CR-I/11191011230067 of 2023 registered with D.C.B. Police Station, Ahmedabad City vide CR No.11191011230067 of 2023 (Annexure A) and charge sheet dated 05.11.2023 (Annexure B) and order dated 17.12.2024 (Annexure D) and proceedings arising thereto.”

3. It is the case of the prosecution that respondent No. 2 is running a business in the name and style of “Mahir Engineering Enterprise.” At an earlier point in time, his mother was the proprietor of the said firm, and she expired on 22.04.2019. Since then, he has been undertaking the business. The complainant’s mother had invested Rs. 91.80 lakh in the firm of the present

applicant-accused. The complainant demanded the return of the said invested amount from the applicant-accused and his firm. Against this demand, the applicant has repaid Rs. 42,30,000/- to the complainant. However, the remaining investment amount of Rs. 49,50,000/-, along with the profit of Rs. 45,00,000/- earned from the said investment, totaling Rs. 94,50,000/-, is still due from the accused. In order to recover the said amount, the complainant has filed the present impugned complaint.

4. In view of the above, *prima facie*, it appears that the dispute is of a commercial nature, which the complainant has sought to give the colour of criminality and in view of the law laid down by the Hon'ble Apex Court in the cases of **Shailesh Kumar Singh v. State of Uttar Pradesh in the case of, 2025 INSC 869, Rikhab Birani & Anr. vs. State of Uttar Pradesh & Anr. reported in 2025 INSC 512, Delhi Race Club (1940) Ltd. & Ors. vs. State of Uttar Pradesh & Anr. reported in 2024 INSC 626**, issue requires confederation. Hence, **RULE returnable on 25.09.2025**. Learned APP waives service of notice of Rule for the respondent-State. Respondent No.2 be served through concerned police station.

4. Interim relief in terms of para **13(B)** is granted. Direct service is permitted.

(HASMUKH D. SUTHAR,J)

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