

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 9106 of 2024****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE M. R. MENGDEY Sd/-**

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Approved for Reporting	Yes	No
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BHAVIK SHAILESHBHAI SHAH
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR YOGESH G KANADE(3114) for the Applicant(s) No. 1

MR KRUTIK PARIKH, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 23/04/2026****JUDGMENT**

- By filing the present petition under Article 226 and 227 of the Constitution of India read with Section 482 of the Cr.P.C., the petitioner has prayed for quashing and setting aside the F.I.R. registered against him at Nikol Police Station, Ahmedabad City for the offence punishable under Sections 143, 146, 147, 148, 323, 324, 506(2) of the Indian Penal Code, 1860 and Section 135(a) of the G. P. Act.
- Learned advocate Mr. Yogesh Kanade appearing for the

petitioner submitted that the petitioner herein is Whistle Blower and raising his voice against the illegal construction put up by the first informant and therefore, the present false F.I.R. has been lodged against him. He further submitted that after registration of the F.I.R., the Investigating Agency has carried out the investigation into the offence and had even no substance in the F.I.R. and therefore, 'B' Summery Report was submitted before the learned trial Court. However, learned trial Court for the reasons best know to it did not accept the said 'B' Summery Report. He further submitted that the petitioner herein had also filed Public Interest Litigation before this Court complaining about none action towards illegal construction put up by the first informant by the State authorities. He further submitted that no incident as alleged in the F.I.R. had ever taken place. The witnesses whose statements were recorded by the Investigating Agency prior to filing of 'B' Summery Report ,have clearly denied any such incident having taken place. He, therefore, submitted to allow the present petition and quash and set aside the impugned F.I.R.

3. Learned Additional Public Prosecutor has opposed the present petitioner *inter-alia* contending that the Investigating Agency has got the statement of several witnesses recorded under Section 164 of Cr.P.C. and those witnesses in their respective statements have narrated the facts about the incident which *prima facie* made out the case for commission of the offence in question against the petitioner. He, therefore, submitted to dismiss the present

petition.

4. Heard learned advocates appearing for the respective parties.
5. At the outset, it is required to be noted that this Court vide order dated 18.03.2026, had asked the learned trial Court to submit the report as regards the status of trial. Pursuant to the said order, the learned trial Court has submitted its report wherein it is stated that on 09.02.2024, the charge was framed against the petitioner vide Exh-4. However, thereafter he left the Court and therefore his plea could not be recorded and therefore, non-bailable warrant was issued against him. Till date, non-bailable warrant issued against the petitioner has not been executed since the petitioner is concealing himself. Thus, the petitioner is not co-operating with the learned trial Court on one hand and on the other hand, he is seeking discretionary relief from this Court of quashing the F.I.R..
6. It is alleged in the F.I.R. that on the date of incident, when the first informant and other witnesses were doing their labour work at the place of incident, the petitioner herein went there and started abusing the first informant and other witnesses and thereafter had also threatened the first informant to withdraw the complaint lodged by him against the petitioner or else he would be beaten. The Investigating Agency carried the investigation into the F.I.R. and submitted 'B' summary report before the learned trial

Court which was not accepted by it and investigation was ordered by the learned trial Court. The witness Hemantsur Prajapati has given the statement under Section 164 of the Cr.P.C. wherein he has stated that he along with his nephew went to the place of incident for labour work and when he was trying to remove two vehicles from the place, the petitioner came there and started abusing the persons who were present there and also threatened the first informant. Similarly, the statement has been given by another witnesses Ramesh Chan Prajapati. The perusal of the statement indicates strong *prima facie* case against the petitioner for commission of offence in question.

7. Having regard to this aspect, no case is made out for grant of any relief to the petitioner. Hence, the application stands dismissed.

NABILA

Sd/-
(M. R. MENGDEY,J)