

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC. APPLICATION NO. 8636 of 2025
(FOR QUASHING & SET ASIDE FIR/ORDER)**

=====

MILAN RAVINDRA KUMAR AGRAWAL & ORS.

Versus

STATE OF GUJARAT & ANR.

=====

Appearance:

MR JAIMIN DOSHI for ARJUN R SHETH(7589) for the
Applicant(s) No. 1,2,3

MR SHRUTI PATHAK APP for the Respondent(s) No. 1

=====

CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI

Date : 02/05/2025

ORAL ORDER

Learned advocate, Mr. Doshi has referred to the allegations leveled in the FIR and submitted that there is gross delay in registering the impugned FIR as the incident has occurred during the period between 01.01.2024 to 08.02.2025, for which, FIR has been lodged on 08.02.2025 without any sufficient explanation. He submitted that if the Hon'ble Court would make cursory glance upon the contents of the FIR, in that event, it would be found out that there was business transaction between the applicant and the respondent no.2 and the respondent no.2 had supplied goods to the applicant and against the outstanding dues, some part payment was made by the applicant, however during that period, some disputes were cropped up and in the year 2019, the cheque given by the applicant to the respondent no.2 towards the security was deposited by the respondent no.2, which was

dishonoured, which led to initiation of proceeding under Section 138 of the NI Act and, thereafter for the recovery of the amount, the respondent no.2 herein has also filed commercial suit before the competent court, which is pending for adjudication. He submitted that when the respondent no.2 failed in earlier attempt, the impugned FIR has been lodged as a pressurize tactics narrating absolute false and frivolous allegations. He further submitted that in fact, before registration of the impugned FIR, the respondent no.2 had given an application in the form of complaint to concerned authority (i.e. SIT) and when the said fact came to the notice of the applicant, the applicant had applied for anticipatory bail, which was granted for 10 days, however on the strength of the said order granting anticipatory bail to the applicant, the concerned authority has come to a conclusion that there was commercial transaction took place between the parties, therefore, no criminality was found against the applicant and, therefore, the said application was filed. He, therefore, submitted that by filing impugned FIR, the civil dispute is converted into criminal one. He, however, submitted that thereafter the impugned FIR has been lodged with oblique motive. It is, therefore, prayed to grant protection.

In view of the rival submissions canvassed by learned advocate for the applicant and having considered the documents produced on record, I am of the considered opinion that the matter requires detailed hearing.

Hence, issue **Notice** upon the respondents returnable on **20th August, 2025.**

Learned APP waives service of notice for respondent – State of Gujarat.

In the meantime, the concerned Investigating Officer shall carry out investigation but no coercive steps shall be taken against the applicant.

DS for rest is permitted.

Sd/-
(DIVYESH A. JOSHI, J.)

Gautam