

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE  
FIR/ORDER) NO. 8371 of 2025**

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SUBODH BHANDARI

Versus

STATE OF GUJARAT &amp; ORS.

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Appearance:

KSHITIJ M AMIN(7572) for the Applicant(s) No. 1

MR BN LIMBACHIA(3454) for the Applicant(s) No. 1

MR. ROHAN SHAH, LD. ADDL. PUBLIC PROSECUTOR for the  
Respondent(s) No. 1

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**CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI****Date : 28/04/2025****ORAL ORDER**

Learned advocate Mr. Kshitij Amin appearing for the applicant submits that the applicant herein is facing the proceedings initiated by the private respondents under Section 138 read with Section 141 of the Negotiable Instruments Act, wherein he has been shown as accused No.5. He submits that the impugned complaint has been registered, against, in all, total 17 persons, out of which, proceedings qua accused Nos.10, 11 and 13 have already been quashed by a Coordinate Bench of this Court, a copy of order whereof is annexed along with the memo of the application. So far as accused Nos.4 and 15 are concerned, the proceedings qua them have already been stayed by this very Court. Learned advocate Mr. Amin further submits that the present applicant is merely an employee of the Company who has been wrongly portrayed as the Director of the accused-Company. The applicant came to

be appointed by the Company vide letter dated 27.01.1995, and he has tendered his resignation to the Company on 26.04.2002, which was accepted by the Board on the same day. He also submits that the applicant is not even the signatory of the cheques in question, and no specific allegations are there against the applicant in the entire body of the complaint. Learned advocate Mr. Amin submits that as per the case of the complainant, the cheques in question were issued on 14.06.2002 and 21.06.2002 respectively, whereas the applicant had already tendered his resignation on 26.04.2002, i.e, much prior to the issuance of the cheques in question. Learned advocate Mr. Amin submits that, thus, considering the overall facts and circumstances of the present case, keeping in mind the tenets of law as laid down by the Hon'ble Apex Court in the case of Aneeta Hada vs. M/s. Godfather Travels & Tours Pvt. Ltd., reported in (2012) 5 SCC 661, the impugned complaint is required to be quashed and set aside, and till then, the applicant is required to be protected.

Considering the aforesaid submissions, issue Notice, making it returnable on 15.07.2025. Learned APP waives service of notice for and on behalf of the respondent-State.

Till then, let there be an ad-interim relief in terms of Para-7(B).

Direct service is permitted.

**(DIVYESH A. JOSHI,J)**

VAHID

Original copy of this order has been signed by the Hon'ble Judge.  
Digitally signed by: ABDULVAHID ABDULSATTAR SHAIKH(HC00955), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 28/04/2025 16:13:26