

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO.
10093 of 2026**

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BHIKHABHAI TALASIBHAI VAGHASIYA

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR. HARDIK B KORADIYA(9955) 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 : 30/04/2026**ORAL ORDER**

Learned advocate Mr. Hardik B. Koradiya appearing for the applicant submits that in the present case, the role attributed to the present applicant is extremely limited. It is submitted that the applicant had purchased the property in question from a person who represented himself to be the original owner, however, such person had, in fact, impersonated the true owner. These facts were not within the knowledge of the applicant at the relevant point of time. It is further submitted that the applicant entered into the transaction bona fide by paying the sale consideration under the genuine belief that the vendor was the lawful owner of the property. Pursuant thereto, the name of the applicant came to be mutated in the revenue records. It is submitted that at the time of execution of the registered sale deed, the original owner had already expired and the main accused had created false and fabricated documents for the purpose of the said transaction. It is further submitted that after

a lapse of several years, the legal heirs of the original owner came to know about the execution of such false and fabricated documents and thereafter, initiated proceedings by lodging an F.I.R. It is emphasized that the name of the present applicant was not reflected in the said FIR.

Learned advocate further submits that as soon as those particular facts came within the knowledge of the applicant, he immediately handed over possession of the property to the complainant and the dispute came to be amicably settled before the competent Civil Court. Consequently, the property now stands transferred in the name of the legal heirs of the original owner. It is further submitted that during the course of investigation, the Investigating Officer recorded the statement of the applicant and initially treated him as a witness in the prosecution. However, during the course of trial, an application came to be preferred by the learned Public Prosecutor seeking to arraign the applicant as an accused, which came to be allowed by the trial Court. Being aggrieved and dissatisfied with the said order, the present application has been preferred.

Learned advocate further submits that the dispute between the applicant and the complainant has been amicably resolved and the complainant is not desirous of proceeding further with the matter. It is, therefore, submitted that the present consent quashing application deserves to be entertained.

At this stage, after advancing arguments, learned advocate for the applicant seeks permission to withdraw the present application with liberty to file an appropriate revision application before the competent Court for challenging the impugned order.

Permission, as prayed for, is granted. The present application stands disposed of as withdrawn, with the aforesaid liberty. It is clarified that this Court has not examined the merits of the case.

(DIVYESH A. JOSHI,J)

GARVITA