

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 6465 of 2025**

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TAUSIF SABIR MALEK
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR.R.R.MARSHALL, Senior Advocate assisted by MR DAIFRAZ
HAVEWALLA(3982) for the Applicant(s) No. 1
MR VIRAT G POPAT(3710) for the Respondent(s) No. 2
Ms DHWANI TRIPATHI, APP the respondent(s) no. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 13/08/2025
ORAL ORDER

1. Heard Mr. R. R. Marshall, learned Senior Advocate assisted by Mr. Daifraz Havewalla, learned advocate for the petitioner, Ms. Dhvani Tripathi, learned APP appearing for the respondent State and Mr. Virat G. Popat, learned advocate appearing for the respondent No.2.

2. By way of this application under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C."), the applicant has prayed to quash and set aside the complaint being **C.R. No.11210055231851 of 2023 registered with Salabatpura Police Station, Surat** as well as all the consequential proceedings arising therefrom.

3. Prima facie, it appears that the present applicant is not named in the FIR. The only allegation against him is that he purchased the disputed property from the grandmother of the complainant. It is the case of the complainant that both the

complainant and the applicant purchased two different properties; however, in the recitals of both the documents, it is clearly mentioned in the schedule/description of the property that the complainant purchased the first floor of the said property, while the present applicant purchased the second and third floors of the said disputed property. The demarcation and identity of the properties are distinct, as both properties are not the same. Although the property documents were executed in favour of the grandmother of the complainant, and after execution, she notarized the documents in the year 2020 and handed over possession in favour of the complainant, subsequently, the same documents were executed in favour of the applicant. However, prima facie, it clearly appears that the present applicant has not forged any documents.

4. Considering the facts and circumstances of the case, and in view of law laid down by the Hon'ble Apex Court in the case of **Mohammed Ibrahim v. State of Bihar, (2009) 8 SC 751**, the issue requires consideration. Hence, issue **RULE returnable on 13.10.2025**. Learned advocates waive service of notice of Rule for the respective respondents.

5. **Interim relief in terms of para 9(c) is granted qua the present applicant.** Direct service is permitted.

(HASMUKH D. SUTHAR,J)

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