

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 6687 of 2025**

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MAGANBHAI RAVJIBHAI PATEL**Versus****STATE OF GUJARAT & ANR.**

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Appearance:**MR RAHUL R DHOLAKIA(6765) for the Applicant(s) No. 1****MR KM ANTANI, APP for the Respondent(s) No. 1**

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**Date : 11/06/2025****ORAL ORDER**

Heard learned advocate for the petitioner and learned APP for respondent No.1 – State of Gujarat.

By way of present petition under Articles 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”) seeking quashing of FIR filed at the instance of respondent No.2 – original complainant.

Learned advocate for the petitioner has submitted that the petitioner has nothing to do with the alleged offence. Whatever allegation leveled are against accused Nos.1 and 3. The alleged transaction took place in the year 1970 with father of the present petitioner and accused Nos.1 to 5 are the family members who are in possession of the suit property and sale transaction took place with the complainant subsequently. In this regard, the alleged offence is registered.

Learned APP for the respondent No.1 – State of Gujarat has opposed the present petition on the ground that the petitioner is the kingpin and he has received money and even two witnesses have supported the case of complainant and even anticipatory bail application of the petitioner is

turned down.

Having heard learned advocate for the respective parties and having gone through the averments made in the petition, it *prima facie* appears that there is no direct transaction with the present petitioner. The offence is committed in the year 2023 however, FIR is filed in 2025 and prior to that the complainant and his niece who reside abroad have filed written complaint before the police authority and as a counter blast, only with a view to usurp the land, impugned FIR is filed. The dispute is civil in nature for which one Regular Civil Suit No.666/2024 is filed by the accused No.1 against present petitioner and others suppressing the genesis of the alleged transaction.

Considering the nature of allegations for the offences under Sections 420, 120(B) and 114 of the Indian Penal Code, 1860, *prima facie*, it appears that no any allegation of cheating from inception or dishonest intention is revealed from the bare reading of the impugned FIR. So far as dismissal of anticipatory bail application of present petitioner is concerned, same cannot be a ground to not consider petitioner under Article 226 of the Constitution of India read with Section 528 of the BNSS.

Hence, **RULE** returnable on **18.07.2025**.

Learned APP waives service of notice of Rule for and on behalf of the respondent No.1 – State of Gujarat.

Respondent No.2 to be served through the concerned police station.

In the meantime, there shall be **interim relief** in terms of **paragraph No.9(C)** of the petition.

Direct service is permitted.

(HASMUKH D. SUTHAR, J.)

Ajay