

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 10582 of 2026**

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JAYANTILAL PATEL S/O NAGARBHAI PATEL

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR MAYANK P SHAH(13933) for the Applicant(s) No. 1

MR RONAK RAVAL, ADDL.PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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CORAM: HONOURABLE MRS. JUSTICE M. K. THAKKER

Date : 05/05/2026

ORAL ORDER

1. Learned advocate Mr. Mayank P. Shah for the applicant submitted that the present applicant who was a director at the time of availing the loan facility has issued the cheque in the year 2013, and subsequently, he resigned from the company on 05.09.2013. It is submitted that informing the resignation the applicant has issued notice to the complainant company, and thereafter, the cheque which was deposited on 15.05.2016 came to be dishonoured with endorsement of 'no debit status'. It is submitted that the cheque was not issued to the complainant on personal capacity, but as a authorized signatory of the company, therefore, on resigning from the company he cannot be held liable for the debt which was occurred subsequently, and the cause of action by dishonour of the cheque arise after his resignation. It is submitted that after resignation, he does not have control over the company, and therefore, there was no liability of the applicant to see the cheque is to be

honoured. It is submitted that the criminal case is pending since 2016, and except the present applicant no other accused are appearing though they are in number eight. It is submitted that considering the allegations against the present applicant the continuation of proceedings is nothing but the harassment, and therefore, the same is required to be quashed. It is submitted that initially the learned Court has issued the summons on 15.10.2016 thereafter again vide detailed order dated 20.10.2016 the summons came to be issued for the same company.

2. Considering the above submission, let notice be issued, making it returnable on 02.07.2026. Learned APP Mr. Ronak Raval waives service of notice on behalf of respondent – State.
3. Ad-interim relief in terms of para-9(d) is granted.

M.M.MIRZA

(M. K. THAKKER,J)