

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 8758 of 2023

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MAHESHBHAI MULCHANDBHAI BUDHRANI & ANR.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR HIRENKUMAR M NIYALCHANDANI(9959) for the Applicant(s) No. 1,2

MR YATIN SONI(868) for the Respondent(s) No. 2

MR. ROHAN SHAH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE A.Y. KOGJE

Date : 21/08/2026

ORAL ORDER

1. **RULE.** Learned Additional Public Prosecutor waives service of rule on behalf of the respondent No.1-State and learned Advocate Mr. Yatin Soni waives service of rule on behalf of respondent No.2.

2. This petition is filed for following relief:

“(A) YOUR LORDSHIPS may be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other approached writ, order or directions to quash and set aside the FIR dated 06-03-2023 as CR No.11208044230178 of 2023 before praduman nagar police station Rajkot.

(B) During the pendency and final disposal of the present application, YOUR LORDSHIPS may be pleased to stay further proceedings of FIR as CR no 11208044230178 of 2023 before praduman nagar police station Rajkot;

(C) Ad interim relief in terms of paragraph (B) above may be pleased to be granted.”

3. At the outset, foundation for filing this petition is contention that there are certain evidence like CCTV footage, which would falsify allegation made in the complaint. However, such contention is in the realm of appreciation of evidence that the Court, which may not entertain at the stage of quashing.

4. At this stage, learned Advocate for the petitioners does not press this application qua petitioner No.1-MAHESHBHAI MULCHANDBHAI BUDHRANI. It is further submitted that charge-sheet is not filed.

5. So far as petitioner No.2, who is wife of petitioner No.1 is concerned, learned Advocate for the complainant does not seriously object to quashing of the FIR qua petitioner No.2.

6. Learned APP has submitted from the charge-sheet papers that there are three witnesses, who have given their statements out of which one statement is that of an independent witness. Even if the statement of an independent witness is perused, in the opinion of the Court, no case is made out against petitioner No.2.

7. Considering the totality of the facts and circumstances of the case especially history of litigation between two families, the Court deems it fit to quash the FIR and consequential proceedings qua petitioner No.2.

8. In the result, the petition is *partly allowed*. The impugned FIR being registered as CR No.I-11208044230178 of 2023 with Praduman Nagar Police Station, Rajkot dated 06-03-2023 and consequential proceedings qua petitioner No.2; LATABEN MAHESHBHAI BUDHRANI is ordered to be quashed and set aside. Rule is made absolute to the aforesaid extent.

PARESH SOMPUA

(A.Y. KOGJE, J)