

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 6426 of 2026**

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ZAKEE AHMD HAJI SHAFRUDDIN ANSARI

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR MIT S THAKKAR(11223) for the Applicant(s) No. 1

MR. KANVA ANTANI, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 05/05/2026****ORDER**

1. Heard learned Advocate for the parties.
2. From the material available on record, it appears that the first informant was doing the job work of Dyeing & Printing on Grey Cloths. The petitioner herein had assigned such job work to him between 15.03.2023 and 20.07.2023 and the amount of Rs.59,17,639/- was due towards the same from the petitioner herein to the first informant. It is the case in the FIR that despite the repeated reminders in that regard, the amount in question was not paid by the petitioner to the first informant and, at one occasion, the employee of the first informant, who had gone for recovery of the amount, was abused by the petitioner.
3. The dispute involved in the present case appears to be purely of a commercial nature and the first informant has also filed a commercial suit for recovery of the amount in question.
4. It is the case on the part of the petitioner that since the first informant

was in the business of job work, the petitioner herein had assigned the work of Dyeing & Printing on Grey Cloths to him and the goods in question were returned by the first informant to the petitioner upon completion of the job work. Therefore, there is no entrustment of goods by the first informant to the petitioner. Moreover, there was business relationship between the parties for a period of at least 10 Years and the payments were made by the petitioner to the first informant for the job work done by the first informant on a regular basis, and therefore, there was no intention on the part of the petitioner to cheat the first informant from the very inception.

5. Learned Advocate appearing for the petitioner has also drawn the attention of this Court to the statements of witnesses recorded during the course of investigation and it is shown that the version of the said witnesses has improved upon from their earlier statement. With these facts, a discharge application was filed by the petitioner before the trial court, which was dismissed, against which a revision application was preferred by the petitioner before the learned Sessions Court which also came to be dismissed by the impugned order. However, it prima-facie appears that the learned Sessions Court while dismissing the revision application does not appear to have assigned any cogent reasons for the same.

6. This Court has also gone through the judgments of the Apex Court in;

- (i) Sachin Garg v. State of Uttar Pradesh & Another (2024) 11 SCC 687
- (ii) Rikhab Birani & Another v. State of Uttar Pradesh & Another - 2025 SCC OnLine SC 823
- (iii) Delhi Race Club (1940) Limited & Others v/s State of Uttar Pradesh and Another (2024) 10 SCC 690.

7. Issue Rule, returnable on 8th May 2026. To be heard with the Special Criminal Application No.16286 of 2025.

8. In the meantime, there shall be Ad-interim relief in terms of Para-8(C) till the next date of hearing. .

RAVI OZA

(M. R. MENGDEY,J)