

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE  
FIR/ORDER) NO. 10608 of 2026**

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YOGESHBHAI CHANDULAL KANIYA  
Versus  
STATE OF GUJARAT & ANR.

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Appearance:

MR P P MAJMUDAR(5284) for the Applicant(s) No. 1

MR.RONAK RAVAL, APP for the Respondent(s) No. 1

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**CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER**

**Date : 05/05/2026**

**ORAL ORDER**

1. By way of present petition under Article 226 of the Constitution of India read with Section 528 of the BNSS, the petitioner has prayed to quash and set aside the FIR being CR No.11210002252834 of 2025 registered with Sachin Police Station, Surat City for the offence punishable under Sections 420, 409, 114 and 120(B) of the Indian Penal Code, 1860.
2. Having heard learned advocate for the petitioner and learned APP for respondent No.1 and perusing the record, it appears that admittedly, the transaction in question is commercial one wherein the present petitioner is the broker in a transaction where the Directors of the firm Billionaires Venture Private Ltd. Purchased purchased goods worth Rs.92,81,143/- from the complainant during the period from 15.06.2023 to

20.07.2023 and made payment of Rs.22,45,816/- and Rs.70,35,838/- is yet to be recovered from the present petitioner though he had promised to pay the said amount within 40 days. In this regard, the complaint is filed.

3. Hence, it appears that dispute concerns commercial transaction and therefore, in view of the decision of Hon'ble Supreme Court in the case of ***Delhi Race Club (1940) Ltd. & Ors. vs. State of Uttar Pradesh & Anr. reported in 2024 INSC 626*** and ***Rikhab Birani & Anr. vs. State of Uttar Pradesh & Anr. reported in 2025 INSC 512***, petition deserves consideration.
4. Notice, returnable on 10.07.2026. Learned APP waives service of notice for and on behalf of respondent No.1 - State of Gujarat.
5. Respondent No.2 to be served through the concerned police station.
6. Ad-interim relief in terms of para 31(B) is granted.
7. Direct service is permitted.

ARCHANA S. PILLAI

(M. K. THAKKER,J)