

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 11068 of 2026**

=====

RAKESH SHASHIKANTBHAI KHARVAR

Versus

STATE OF GUJARAT & ANR.

=====

Appearance:

MR. ALPESH R REDDY(18854) for the Applicant(s) No. 1

MR. DARWIN A. COOPER(19721) for the Applicant(s) No. 1

MR. TIRTHRAJ PANDYA, APP for the Respondent(s) No. 1

=====

CORAM:**HONOURABLE MR. JUSTICE VIMAL K. VYAS****Date : 07/05/2026****ORAL ORDER**

1. Heard Mr. Alpesh R. Reddy, learned advocate appearing for the applicant and learned APP Mr. Tirthraj Pandya, appearing for the respondent No.1 - State. Perused the entire materials on record along with the impugned FIR.

2. It *prima facie* appears that the respondent No.2 herein has filed an application with the selfsame allegations before the same Police Station, which was inquired into, and after due inquiry, the same was ordered to be filed, in the month of April-2024. It clearly appears that this fact was well within the knowledge of the applicant, however, suppressing the same, he has filed one another application; and on the basis of the same, the impugned FIR has been registered on 23.03.2025.

3. Upon bare perusal of the FIR, it prima facie appears that the transaction between the complainant and the applicant is a commercial transaction. Therefore, the dispute appears to be of a civil nature. It also appears that on the basis of the said FIR, the applicant was arrested and even the charge-sheet was also filed against him before the trial Court.

4. In view of the aforesaid, this Court is of the opinion that the present application deserves consideration.

5. Issue **RULE** making it returnable on **07.08.2026**.

6. Learned APP Mr. Tirthraj Pandya waives service of notice of rule for and on behalf of the respondent no.1 - State of Gujarat.

7. In the meantime, let there be an ad-interim relief in terms of paragraph no. 9-C qua the applicant, till the next date of hearing.

(VIMAL K. VYAS, J)

AMAR SINGH