

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 7227 of 2025**

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SHUBHAM RAMSHBHAI GULECHHA

Versus

STATE OF GUJARAT & ANR.

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Appearance:

SIDDHARTH R KHESKANI(9483) for the Applicant(s) No. 1

MS JIRGA JHAVERI, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**Date : 12/06/2025****ORAL ORDER**

1. Heard learned advocates for the respective parties.

2. By way of this application under Section 528 of the BNSS, the applicant has prayed to quash and set aside the FIR being C.R. No.11993007250119 of 2025 registered with B Division Police Station, Gandhidham and all the consequential proceedings arising therefrom.

2. Learned advocate for the applicant submits that the applicant has nothing to do with the offence and has been falsely implicated as accused No. 5. It is submitted that the alleged transaction pertains to the sale of Esteem Coal, which was purchased from the complainant by three different firms, namely Vibhuti Tradelink, Shubhnidhi Enterprise, and Shubhlaxmi Tradelink. The total value of the transaction was Rs2,80,10,331/-, out of which Rs.2,44,75,183/- has been paid,

leaving an outstanding amount of Rs.35,35,148/-. The present complaint has been filed solely for the recovery of the said outstanding amount. There was no intention to cheat on the part of the present applicant, who is neither a partner in nor connected in any manner with the affairs of the said firms.

3. Considering the submissions made by the learned advocate for the applicant and the facts of the present case, it prima facie appears that the dispute is commercial in nature and that the complaint has been filed with a view to recover the money. Therefore, the issue esquires consideration. Hence, issue **RULE returnable on 31.07.2025**. Learned APP waives service of notice of Rule for the respondent-State.

4. Interim relief in terms of para 11(B) is granted. Direct service is permitted.

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(HASMUKH D. SUTHAR,J)