

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 11277 of 2026****With****R/CRIMINAL MISC.APPLICATION NO. 11317 of 2026**

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JAYANTILAL PATEL S/O. NAGARBHAI PATEL

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR MAYANK P SHAH(13933) 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 : 08/05/2026****ORAL ORDER**

1. Learned advocate Mr. Mayank P. Shah for the applicant submitted that the present applicant who was a director at the time of availing the loan facility has issued the cheque in the year 2013, and subsequently, he resigned from the company on 05.09.2013. It is submitted that informing the resignation the applicant has issued notice to the complainant company, and thereafter, the cheque which was deposited on 15.05.2016 came to be dishonoured with endorsement of 'no debit status'. It is submitted that the cheque was not issued to the complainant on personal capacity, but as a authorized signatory of the company, therefore, on resigning from the company he cannot be held liable for the debt which was occurred subsequently, and the cause of action by dishonour of the cheque arise after his resignation. It is

submitted that after resignation, he does not have control over the company, and therefore, there was no liability of the applicant to see the cheque is to be honoured. It is submitted that the criminal case is pending since 2016, and except the present applicant no other accused are appearing though they are in number eight. It is submitted that earlier quashing petition was filed being Criminal Misc. Application No.3060 of 2017 with Criminal Misc. Application No.3065 of 2017 which were permitted to be withdrawn vide order dated 19.04.2017. It is submitted that though the impugned complaint filed against 8 persons, however, the summons came to be issued qua the accused no.1 & 2 which includes the applicant. It is submitted that considering the allegations against the present applicant the continuation of proceedings is nothing but the harassment, and therefore, the same is required to be quashed.

2. Considering the above submission, let notice be issued, making it returnable on 02.07.2026. Learned APP Mr. Ronak Raval waives service of notice on behalf of respondent - State.
3. Ad-interim relief in terms of para-9(c) is granted.
4. To be heard with Cr.M.A. No.10582 of 2026; Cr.M.A. No. 10765 of 2026; Cr.M.A. No.6579 of 2026.

(M. K. THAKKER,J)

AMIT ITALIAN