

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 9088 of 2025**

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GUNVANTBHAI SHAMJIBHAI KALSARIYA

Versus

STATE OF GUJARAT

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Appearance:

MR BHAVIK V BHATT(11508) for the Applicant(s) No. 1

MR MANAN MAHETA, APP for the Respondent(s) No. 1

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**CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR****Date : 03/07/2025****ORAL ORDER**

By way of present petition under Article 226 of the Constitution of India read with Section 528 of the BNSS, the petitioner has prayed for quashing of the FIR being CR No.11193027240356 of 2024 registered with Khambha Police Station, District Amreli for the offences punishable under Sections 318(2), 348, 349, 350, 274 and 275 of the Bharatiya Nyaya Sanhita, 2023 and section 26(2)(i) of the Food Safety and Standards Act, 2006 filed at the instance of respondent No.2.

Having heard learned advocate for the petitioner and learned APP for respondent No.1 – State of Gujarat and perusing the record, it appears that charge-sheet is filed which has culminated into Criminal Case No.158/2025 and is pending adjudication.

Learned advocate for the petitioner has mainly raised the grievance that Food Safety Inspector had collected the samples on the same set of facts and police is aware of the fact that on

the same set of facts offence under Section 26(2)(i) of the Food Safety and Standards Act, 2006 is registered. Present petitioner is having license and as per Annexure-C to the petition, the petitioner is running his business in the name and style as Gwala Milk and samples collected from the said place are found to be standard.

Considering the aforesaid fact, petition deserves consideration as on the same set of facts the impugned FIR is filed alleging IPC offences.

**RULE** returnable on **28.08.2025**.

Learned APP waives service of notice of Rule for and on behalf of the respondent – State of Gujarat.

There shall be **ad-interim relief** in terms of **paragraph No.9(c)**.

Direct Service is permitted.

**(HASMUKH D. SUTHAR, J.)**

*Ajay*