

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 9566 of 2025**

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RAMDEV SAVDASBHAI KESHWALA & ANR.
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR VIRAT G POPAT(3710) for the Applicant(s) No. 1
MS MEGHA CHITALIA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 14/07/2025

ORAL ORDER

- 1) Heard Mr. Virat G. Popat, learned counsel for the petitioners and Id. APP for the respondent State.
- 2) By way of this petition, the petitioners have prayed for quashing and setting aside the FIR being C.R. No.11202038250278 of 2025 registered with Meghpar Padana Police Station, Dist. Jamnagar, for the offence under Sections 108, 308(2), 352, 351(2) and 54 of BNS, and other consequential proceedings arising therefrom.
- 3) Learned counsel for the petitioners has submitted that the allegation against the petitioners is that, to recover the money, the petitioners used to give threats and prior to one and half months, the petitioners forcefully taken the possession of the car and thereafter, petitioners used to extort money and administered threats. In this regard, deceased has committed suicide and FIR came to be filed. It is submitted that, there was no suicide note, but subsequently, after three days, as per the statement of the complainant, he has written a note as per the instructions of his father, wherein name of the petitioners are mentioned. It was merely a money transaction and in absence of any iota of evidence of instigation under

Section 54 of BNS, petition deserves consideration.

4) Learned APP appearing for the respondent State has opposed the petition and submitted that investigation is still going on and petitioners are named in the suicide note and used to extort money from the deceased and due to constant threats, the deceased had no option, but to commit suicide. Hence, petition does not deserve any consideration.

5) Having heard learned counsel for the respective parties and going through the allegations levelled in the FIR, it appears that with a view to recover the money, the petitioners administered threats and forcefully taken the possession of car of the deceased. However, dispute is with regard to money transaction and in absence of ingredients of instigation under Section 54 of BNS as well as the law laid down in the case of **Mohit Singhal Vs. State of Uttarakhand, reported in 2023 INSC 1035**, petition deserves consideration.

6) In view of the above, **Rule**, returnable on **24.09.2025**. Ld. APP waives Rule for the respondent State. Meanwhile, no coercive steps shall be taken against the petitioners. However, investigation be continued and petitioners are directed to join and cooperate with the investigation. Respondent No.2 to be served through the concerned Police Station.

SUCHIT

(HASMUKH D. SUTHAR,J)