

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 4294 of 2015**

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RAKESHBHAI PRAHLADBHAI PATEL & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

KSHITIJ M AMIN(7572) for the Applicant(s) No. 1,2,3,4,5

MS MEENA VYAS(3315) for the Respondent(s) No. 2

MR ROHAN SHAH, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE

Date : 08/05/2026

ORAL ORDER

1. By the present writ petition, the petitioners are praying for quashing and setting aside the impugned FIR being CR-I No. 260 of 2015 dated 03.07.2015 registered with the Odhav Police Station, Ahmedabad.

2. Learned advocate Mr. Kshitij Amin for the petitioners submits that the respondent No. 2 complainant, is the Managing Trustee of one Sugyan Education Trust, Ahmedabad, which runs self financed Educational Institutions and duly approved by the State Government. He submits that the respondent No.2 complainant had filed an FIR against the petitioners herein alleging that the petitioner No.3 Renukaben Ambalal Patel was irregularly appointed as a Principal. That thereafter, she has committed various

irregularities in respect of the appointments of Teachers and various activities undertaken by the School. That the petitioner No.3 has siphoned about Rs. 31,63,000/-. He submits that a false complaint came to be lodged against the petitioners being CR-I No. 260 of 2015 on 03.07.2015 for the offences punishable under Sections 406, 409, 420, 467, 468, 471, 474, 114 and 120B IPC.

2.1 Learned advocate further submits that another similar FIR also came to be registered against the petitioners herein by the same complainant – respondent No.2 at Odhav Police Station in the year 2013 being CR-I No. 97 of 2013 with similar allegations. He submits that during the investigation of the earlier FIR, the petitioners came to be acquitted after trial on 18.04.2023 by the learned trial Court.

3. Vide order dated 15.07.2015, this Court had directed that no coercive action shall be taken against the petitioners herein. By order dated 24.04.2026, this Court had recorded the statement of the learned advocate for the petitioners as well as learned advocate for the respondent No.2 complainant that the parties have arrived at settlement and they will file an affidavit in respect of the same. The respondent No.2 complainant – Gaurangbhai Madhubhai Patel, who is complainant was personally present before the Court and duly identified by the learned advocate for the

respondent No.2.

4. Today, learned advocates for the parties have submitted the affidavit of respondent No.2 - Gaurangbhai Madhubhai Patel, who is the complainant. The said affidavit is taken on record.

5. In the said affidavit, it is stated by the respondent No.2 that with intervention of elders as well as the mediators, the disputes between the petitioners and the complainant is amicably settled. The misunderstandings which had arisen earlier at the time of filing of the FIR, has been removed and he does not want to proceed further with the impugned FIR, which was filed by him. It is further stated that he has no objection, if the present writ petition is allowed and the FIR filed by him is quashed and set aside.

6. Learned APP Mr. Rohah Shah submits that some investigations have taken place, however, no charge sheet has been filed till date. He submits that on the basis of the statements as recorded by the Investigating Officer, the Government grants have been availed by the School, however the same have not been utilized for NSS activities.

7. Learned advocate for the petitioners as well as

respondent No.2 complainant submit that the School in question has been closed since last five years and the same is not in operation. The allegations made in the impugned FIR are prior to the year 2014 and in respect of the activities undertaken by the School at the relevant point of time. He submits that the School being Grant-in-aid, the necessary formalities were always followed and there was no any objections raised by the Education Department.

8. Considering the allegations made in the impugned FIR and the averments made in the present writ petition as well as taking into consideration the contents of the affidavit filed by the respondent No.2 complainant, it seems that the FIR was lodged as a result of inter-se disputes and misunderstanding between the complainant and petitioners herein. The said disputes have now been settled between the parties i.e. the petitioners as well as respondent No.2 complainant. The allegations are prior to 2014 and the School in question is now closed since Five years.

9. In the interest of justice and in the facts and circumstances of the present case, the impugned FIR being CR-I No. 260 of 2015 dated 03.07.2015 for the offences punishable under Sections 406, 409, 420, 467, 468, 471, 474, 114 and 120(B) IPC registered with the Odhav Police

Station, Ahmedabad is quashed and set aside. The present writ petition is accordingly allowed by mutual consent of the complainant and the petitioners. No order as to costs.

SALIM/

(ANIRUDDHA P. MAYEE, J.)