

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 10051 of 2025**

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SONI JAYDIP JAGDISHCHANDRA (JAYDIP JAGDISHBHAI SONI)

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR MOHIT P PATHAK(7344) for the Applicant(s) No. 1

MS SHRUTI PATHAK, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 18/07/2025**ORAL ORDER**

By way of present petition the petitioner has sought for the quashing of the FIR being CR No.11206020250585 of 2025 registered with Kadi Police Station, District Mahesana for the offence punishable under Sections 108 and 54 of the Bharatiya Nyaya Sanhita, 2023 (for short "BNS") and sections 40 and 42(d) of the Gujarat Money Lenders Act filed at the instance of respondent No.2.

Learned advocate for the petitioner has submitted that the impugned FIR is filed belatedly after a delay of 21 days and no specific role or overt act is attributed to the present petitioner except that he stood as a witness of transaction. The petitioner has not lend any money and whatever transaction took place was with other co-accused and one Raghavdan with whom deceased entered into transaction and present petitioner was middleman and except this no role is attributed to the present petitioner. Further, co-accused Raghavdan has been considered by the coordinate Bench and that there is no proximate cause on the basis of which the petitioner can be prosecuted.

Learned APP has opposed the petition by submitting that

investigation is at nascent stage and involvement of petitioner is there. Initially AD Case under Section 194 of the BNSS came to be investigated and subsequently suicide note and whatsapp chat was recovered and after verifying the call records, complaint is registered. Hence, she has requested to dismiss the present petition.

Having heard the learned advocates appearing for the parties and considering the fact that the allegations against the petitioner is that he has played role of a middleman and stood as witness of one Agreement to Sell but perusing the complaint it appears that the allegation against the petitioner is that Rs.4.50 lakh was transferred to the present petitioner online and he has made demand through whatsapp chat and transferred Rs.950/- to one Raghavdan Gadhvi. The coordinate Bench has considered the petition of said co-accused Raghavdan and passed an order of no coercive steps based on said transaction of Rs.950/- . Investigation is still going on and on perusing the record it appears that involvement of Raghavdan is upto some extent greater than the present petitioner. Hence, present petition deserves consideration.

RULE returnable on **24.09.2025**.

Learned APP waives service of notice of Rule for and on behalf of respondent No.1 – State of Gujarat.

Respondent No.2 to be served through the concerned police station.

In the meantime, there shall be **no coercive steps** *qua* the petitioner however, the investigation may go on and petitioner shall join the investigation.

(HASMUKH D. SUTHAR, J.)

Ajay