

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 10436
of 2025**

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MOHANBHAI KALUMAL DARIYANI (SINDHI)

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR HARSH M SURTI(3907) for the Applicant(s) No. 1

MR SIKANDER SAIYED(3458) 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 : 25/07/2025****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 to quash and set aside the FIR being CR No.11191034250055 of 2025 registered with Naranpura Police Station, Ahmedabad City for the offence punishable under Sections 406 and 420 of the Indian Penal Code, 1860.

Learned Advocate for the petitioner has submitted that the petitioner is not the partner of the firm and he has nothing to do with Swastik Agency. Even the petitioner is having no business transactions with the complainant. The petitioner came from Porbandar and he was only present at the godown of the co-accused. Even alleged incident took place in the year 2020 and the impugned FIR is registered in the year 2025 i.e. belatedly after 5 years. In view of the above facts, petition deserves consideration.

RULE returnable on **01.10.2025**.

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.

There shall be **interim relief** in terms of **paragraph No.17(c)** of the petition.

Direct service is permitted through concerned police station.

ANKIT

(HASMUKH D. SUTHAR,J)