

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 10970
of 2025

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SHIVAM JITESHBHAI JOSHI

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR. D. N. VORA(14575) for the Applicant(s) No. 1

MR HARDIK MEHTA, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 12/08/2025

ORAL ORDER

- 1) By way of present petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, the petitioner has prayed to quash and set aside the FIR being CR No.11823025250852 of 2025 registered with Tilakwada Police Station, District Narmada for the offence punishable under Sections 4(3), 5(c) and 5(d) of the Gujarat Land Grabbing (Prohibition) Act.
- 2) The complaint is filed at the instance of sister of accused nos.1 and 2. The accused nos.1 and 2 had given the property on Leave and License to the present petitioner – accused no.3. The present petitioner is a licensee and having lawful possession and has not made any encroachment in the said property. Even one civil suit being Regular Civil Suit No.31 of 2022, is filed by the accused nos.1 and 2 and other co-accused against the complainant and her husband and the same is pending, wherein, interim application Exhibit 5 was rejected. Earlier also complaint was filed wherein report was submitted as the dispute is of civil nature. In view of the above facts, as the petitioner being a

licensee of the said property, the petition deserves consideration.

3) **RULE** returnable on **13.10.2025**.

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.

4) There shall be **interim relief** in terms of **paragraph No.8(b)** of the petition **qua the present petitioner only**.

5) Direct service is permitted.

(HASMUKH D. SUTHAR,J)

ANKIT