

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 11903 of 2025**

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HASUJI SONAJI THAKOR

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR RAJKUMAR CHAUMAL(3501) for the Applicant(s) No. 1

MR RONAK R CHAUMAL(9561) 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 : 01/09/2025****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 sought quashing of the FIR being **CR No.11206020250585 of 2025** registered with **Kadi Police Station, District Mahesana** for the offences punishable under Sections 108 and 54 of the Bharatiya Nyaya Sanhita, 2023 (for short "BNS") and sections 40 and 42(d) of the Dowry Prohibition Act.

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. Further, it is submitted that the petitioner had given Rs.20 lakh to the deceased by receiving a loan of Rs.23,99,260/- from AU Small Finance Bank wherein the deceased stood as guarantor and said amount was assured to be repaid by way of monthly installment of Rs.40,000/- by the deceased and thus the deceased transferred Rs.4,64,000/- in the account of the present petitioner and the said transaction took place as deceased was close friend of the present petitioner and there is no any evidence of abetment against the present petitioner. Even, quashing petition filed by co-accused are admitted and pending adjudication.

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 learned advocates appearing for the respective parties and perusing the record it appears that, allegation against the petitioner is that in his account, an amount of Rs.4,64,000/- is transferred by the deceased but it is the case of the petitioner that he had given financial aid of Rs.20 lakh to the deceased by receiving a loan from AU Small Finance Bank wherein the deceased stood as guarantor. Not only that, the petitioner appeared before the investigating agency twice and cooperated with the investigation and stated that he was paying the installments towards the said loan.

Today, Investigating Officer Mr. M.D. Dabhi, Police Sub Inspector, LCB, Mahesana appeared before this Court and when he was asked to show specific involvement of the present petitioner in the alleged offence and to show any material or evidence which

suggests role of the petitioner as he has already joined the investigation, even from the investigation papers, the Investigating Officer Mr. M.D. Dabhi has failed to point out any material which shows involvement of the petitioner in the offence.

Considering the aforesaid fact, petition deserves consideration.

Hence, **RULE** returnable on **24.09.2025**.

Learned APP waives service of notice of Rule for and on behalf of the 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** against the **petitioner only**.

Direct service is permitted.

(HASMUKH D. SUTHAR, J.)

Ajay