

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 21503 of 2017****With
CRIMINAL MISC.APPLICATION (FOR INTERIM RELIEF) NO. 1 of 2026
In R/CRIMINAL MISC.APPLICATION NO. 21503 of 2017****With
R/CRIMINAL MISC.APPLICATION NO. 9573 of 2018****With
CRIMINAL MISC.APPLICATION (FOR INTERIM RELIEF) NO. 1 of 2026
In R/CRIMINAL MISC.APPLICATION NO. 9573 of 2018****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR.JUSTICE P. M. RAVAL**

Approved for Reporting	Yes	No

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MAHESHWARIBEN HITENDRABHAI SUTARIYA & ANR.

**Versus
STATE OF GUJARAT & ANR.**

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Appearance:

MS DIPMALA S DESAI(6596) for the Applicant(s) No. 1,2
HCLS COMMITTEE(4998) for the Respondent(s) No. 2
MS G R VIJAYALAKSHMI(5047) for the Respondent(s) No. 2
ROHAN SHAH APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL**Date : 06/07/2026****ORAL JUDGMENT**

1. Criminal Misc. Application (for Interim Relief) No. 1 of 2026 In R/Criminal Misc. Application No. 21503 of 2017 and Criminal Misc. Application (for Interim Relief) No. 1 of 2026 In R/Criminal Misc. Application No. 9573 of 2018 are listed today.

1.1 In Criminal Misc. Application No. 21503 of 2017, Rule is

issued vide order dated 05.09.2017 making it returnable on 14.11.2017 and ad interim relief in terms of Paragraph 12 (C) is granted. Whereas in Criminal Misc. Application No. 9573 of 2018, Rule is issued vide order dated 11.05.2018 making it returnable on 24.08.2018 and ad interim relief in terms of Paragraph 12 (C) is granted.

1.2 In both the matter, vide order dated 27.02.2025, this Court has noted that interim relief granted vide order dated 05.09.2017 is not extended thereafter and vide order dated 03.11.2025, the matter came to be dismissed for want of prosecution.

1.3 After which the matter came to be restored vide order dated 19.02.2026.

2. Be that as it may, matter is taken up for final hearing today.

3. Learned Advocate for the Applicant submits that, in both these matters, cross-complaints have been filed and that pressure is being exerted upon the Applicants to settle certain criminal proceedings with the opposite party, to which the Applicants are not agreeable.

3.1 Both the parties have preferred complaints after each other within a period of half an hour. In spite of the Applicant having lodged the first FIR, Opponent reached to the Police Station and has filed another FIR to harass her.

3.2 It is further argued that Applicant was made victim in the

year 2015 and lodged FIR against the opponent and other, who in turn, by keeping enmity to take revenge, has lodged present FIR against the Applicant and her husband.

3.3 It is further argued that the Applicant lodged the FIR first in prior point of time being recorded in Station diary No. 4/2017 whereas, the Opponent complaint reflect Station diary No. 15/2017, therefore, also the complaint filed by the original complainant herein is nothing but an afterthought and pressure tactics. It is further argued that the Opponent along with other neighbours keeping enmity with her and husband who is suffering from polio and 12 years son has filed the present complaint to take revenge.

3.3 Learned Advocate for the Original complaint would submit that there are cross complaints and that the factum of incident in question is not in dispute, however, the question of who was aggressor can only be decided during the trial by the competent court, and thus, argued to reject the present petition.

3.4 Learned Advocate for the original complainant would further submit that on bare reading of the FIR itself, a prima facie case as alleged in the FIR is made out and that it cannot be said that the complaint is filed with vengeance in as much as the factum of incident is not denied by the Applicant. Under such circumstances, when the prima facie case is made out, as argued to reject the present petition.

4. Heard learned Advocate for the respective parties.

4.1 The factum of incident taken place and cross complaints having been filed on the same date within a gap of few hours is not in dispute. The allegations prima facie against each other are to be decided by the Trial Court while conducting the Trial. Since, this Court is not permitted to conduct mini trial while deciding the petition under Section 482 of the CRPC. Both the FIRs are taken into consideration. Strong prima facie case is made out against the present petitioner and as to whether the allegations are exaggerated or false can be tested during the trial when the parties are cross examined and when the cross cases are conducted by the trial court. However, prima facie, it cannot be said that the cross FIR is lodged as counterblast since presence of the petitioner as well as factum of incidence is not in dispute.

4.2 Considering the nature of the FIR, contents of the FIR, it cannot be said that the same is falling within the four corners of the principles laid down in the case of ***State of Haryana and Others v. Bhajan Lal and Others, reported in 1992 Supp (1) SCC 335***. Under such circumstances, no case is made out.

5. Both the captioned applications are rejected. Criminal Misc. Application for interim relief stands disposed of as having become infructuous. Rule, if any, is discharged.

(P. M. RAVAL, J)

MMP