

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC. APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO.18374 of 2025

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SALIL SANJIVBHAI DHAWAN & ORS.
Versus
STATE OF GUJARAT & ANR.

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Appearance :
SUDHANSHU A JHA for the Applicants No.1,2,3
MR RONAK RAVAL, APP for the Respondent No.1.

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CORAM: HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 09/09/2025
ORAL ORDER

Learned advocate Mr. Jha points out from the FIR itself that out of total amount of the goods purchased by the applicants amounting to Rs.14,48,58,759/-, the present applicants have already paid an amount of Rs.12,72,31,803/- and outstanding amount of Rs.1,77,30,816/- has not been paid for which the FIR is registered. According to Mr. Jha, the FIR is nothing but an attempt to give colour of criminality to civil dispute as the present applicants have paid more than 80% of the outstanding amount and for remaining amount, no civil remedy is availed by the complainant and, therefore, the applicants are required to be protected.

2. Considering the above submissions as well as considering the fact that the complainant himself has stated that out of total transaction of more than Rs.14 Crores, more than Rs.12 Crores has already been paid by the present applicants and, therefore, *prima facie*, the dispute seems to be of civil nature and

as the outstanding is only around 20% for which no civil remedy is availed by the complainant, **issue notice returnable on 4.11.2025**. Learned Additional Public Prosecutor waives service of notice on behalf of respondent - State. Direct service to respondent No.2 through concerned Police Station is permitted.

3. Till the next date of hearing, no coercive steps shall be taken against the present applicants. However, the Investigating Officer may proceed further with the investigation, however shall not file charge-sheet against the applicant without prior permission of this Court.

(NIRZAR S. DESAI,J)

SAVARIYA