

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 18566 of 2025**

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PRAKASHBHAI PRABHATBHAI CHAVDA
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR HITESH B PRAJAPATI(13805) for the Applicant(s) No. 1

MR RONAK RAVAL ADDITIONAL PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 10/09/2025

ORAL ORDER

1. Heard learned advocate Ms. Shweta Lodha, for learned advocate Mr. Hitesh Prajapati, appearing for the applicant.

2. Learned advocate Ms. Shweta Lodha points out that, as per the FIR, the amount was allegedly lent by the present applicant in the year 2014, for which an agreement to sell was executed between the present applicant and the father of the complainant. When a suit was preferred by the complainant in respect of the aforesaid agreement to sell, being Regular Civil Suit No.

240 of 2016, the said suit came to be dismissed, wherein the concerned Court observed that the present applicant is not involved in the business of money-lending. Further, learned advocate Ms. Shweta Lodha has drawn the attention of this Court to the fact that, even as per the FIR, the quarrel between the present applicant and the complainant had taken place about two to three months prior to the registration of the offence. It is pointed out that though the FIR came to be registered on 30.08.2025, the alleged incident, as per the FIR, had occurred on 04.07.2025, i.e. almost two months prior to the date of registration of the offence. The complainant, out of stress, attempted to commit suicide, for which he had to undergo treatment for about a week. This would also indicate that there is no proximate cause between the alleged incident and the act of the complainant. She further submitted that, considering the fact that the present FIR has been registered in respect of a transaction

which took place nearly ten years ago, and that even as per the FIR, the quarrel between the present applicant and the complainant had occurred about two to three months prior thereto, the present complaint is nothing but an abuse and misuse of the process of law. Therefore, the present applicant deserves to be protected.

3. Considering the above submission, issue **NOTICE to the respondents returnable on 6.11.2025.** The learned Additional Public Prosecutor waives service of notice on behalf of respondent No.1 – State. Direct service to respondent No.2 through the concerned Police Station is permitted. In the meantime, though the investigation may continue, no coercive steps shall be taken against the present applicant, and no charge-sheet shall be filed against the present applicant without prior permission of this Court.

(NIRZAR S. DESAI, J)

Pallavi