

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE  
FIR/ORDER) NO. 19014 of 2025**

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BRIJESHKUMAR MAHESHBHAI MAKWANA  
Versus  
STATE OF GUJARAT & ANR.

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Appearance:

MR ARJUNSINGH B CHAUHAN(11510) for the Applicant(s) No. 1

MR. ADITYA JADEJA, APP for the Respondent(s) No. 1

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**CORAM:HONOURABLE MS. JUSTICE S.V. PINTO**

**Date : 23/04/2026**

**ORAL ORDER**

**1.** By way of the present petition, the petitioner has prayed for quashing and setting aside the FIR being C.R. No. 11210015250115 of 2025 registered with DCB Police Station, Surat, for the offences punishable under Sections 316(5) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 along with all consequential proceedings arising therefrom.

**2.** Learned advocate for the petitioner submits the petitioner has been falsely implicated in the alleged offence and the FIR has been registered against as many as 4 firms in connection with certain sale transactions of textile goods. The allegation against the present petitioner is that he is the owner of S.V.S. Textiles and during the period between 27.12.2024 and 24.02.2025, he has purchased goods worth of

Rs.1142467/- from the complainant through Veer Transport, but failed to make payment thereof. It is contended that the transaction in question is purely commercial in nature and gives rise, at best, to a civil dispute. However, the same has been given a colour of criminality with a view to pressurize the petitioner for recovery of money.

**3.** Having regard to the facts and circumstances of the case, the petition requires consideration. Hence, Rule, returnable on 06.07.2025. Learned Additional Public Prosecutor waives service of notice of Rule on behalf of the respondent – State.

**4.** In the meantime, ad-interim relief in terms of paragraph 10(C) is granted. Respondent No. 2 be served through the concerned Police Station.

ROHAN SONI

**(S. V. PINTO,J)**