

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 13013
of 2025**

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SANJAYBHAI VASHRAMBHAI PARMAR & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR. AYAN I MANSURI(17271) for the Applicant(s) No. 1,2,3

MS SHRUTI PATHAK, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR****Date : 24/09/2025****ORAL ORDER**

- 1) By way of present petition under Article 226 of the Constitution of India and under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioners have prayed to quash and set aside the **FIR No.11207061250793 of 2025** registered with **Shahera Police Station, District Panchmahals**, for the offences punishable **under Sections 316(2), 316(5), 318(4) and 54 of the Bharatiya Nyaya Sanhita, 2023.**
- 2) Learned Advocate for the petitioners has submitted that the FIR is registered at the instance of respondent no.2 who is a public servant rendering his service as Taluka Development Officer and he has lodged the complaint against the present petitioners. The petitioner no.1 – accused no.1 is Village Computer Entrepreneur (VCE). He has further submitted that the role of the petitioner no.1 is limited only to clerical data entry as per the instructions of Talati-cum-Mantri. The petitioner nos.2 and 3 – accused nos.2 and 3 have nothing to do with the offence and they are

only friends of the accused no.1 and they have not played any direct or indirect role in commission of the alleged offence. As per the complaint allegations against the petitioners are that the petitioners have collected per form Rs.1,000/- from 76 villagers beneficiaries for uploading the photographs or approval under the Pradhan Mantri Awas Yojana (which shall hereinafter be referred to as "**PMAY**" for short) for that the petitioner nos.2 and 3 collected money and took photographs. Further it is alleged that said allegations are far from the truth and only with ulterior motive to settle the political score as the cousin of accused no.1 contest the election and during that the accused no.1 was engaged in his election campaign as keeping grudge they go up to TDO to remove him from the post of VCE and forced to resign, due to this reason with ulterior motive the complaint is filed. Even the accused nos.2 and 3 are falsely enroped in the offence and have nothing to do with the offence. Therefore, he has requested to quash and set aside the impugned FIR.

- 3) Learned APP for respondent – State has opposed the present petition on the ground that the petitioners are named in the FIR and investigation is at nascent stage. The complainant – TDO lodged the complaint as 76 villagers had filed complaint stating that Rs.1,000/- each were collected to extend the benefit of PMJAY and the petitioners received the money and committed criminal breach of trust without any authority in collusion with each other. They are at large and investigation is still going on and political vendetta has nothing to do with the offence as complaint is lodged by the TDO. Hence, she has requested to dismiss the present petition.

- 4) Heard learned Advocate for the petitioners and learned APP for respondent – State.
- 5) As per allegations levelled in the FIR, the petitioners are *prima facie* involved in the commission of offence and without any authority they had collected Rs.1,000/- each from the villagers in view to extend the benefit of PMJAY and petitioner nos.2 and 3 took photographs and uploaded on website in connivance with petitioner no.1, under the pretext of they are having dealing with petitioner no.1 and under influence to extend the benefit the innocent villages being duped. *Prima facie* offence of cheating is made out and entrusting the property of Rs.1,000/- to extend the benefit of PMJAY without authority is also revealed from the record. Not only that so far the political vendetta is concerned, the complaint is filed by the Taluka Development Officer who is a public servant and he has nothing to do with local affairs and even the petitioners are not public or political figures, therefore, question does not arise to settle the score with them by the complainant.
- 6) Whatever defence put forth by the petitioners cannot be looked into at this stage as the investigation is at nascent stage and present case does not fall in the category of law laid by the Hon'ble Supreme Court in the case of **State of Haryana vs Bhajan Lal** reported in **AIR 1992 SC 604**. Further, the complaint indicates that the offense was registered on 30.08.2025, and an ongoing investigation is in progress and at this initial stage, the petitioners have filed this petition for quashing and setting aside the complaint, which evidently appears filed with a view to stall further proceedings and

investigation.

- 7) Further in the case of **Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra**, reported in **2021 SCC Online SC 315** wherein, the Apex Court has observed that:

"iv) The power of quashing should be exercised sparingly with circumspection, in the 'rarest of rare cases'. (The rarest of rare cases standard in its petition for quashing under Section 482 Cr.P.C. is not to be confused with the norm which has been formulated in the context of the death penalty, as explained previously by this Court);

v) While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;

vi) Criminal proceedings ought not to be scuttled at the initial stage;

vii) Quashing of a complaint/FIR should be an exception and a rarity than an ordinary rule;"

- 8) It is also appropriate to refer to the decision of the case of **Emperor vs. Khwaja Nazir Ahmed** reported in **AIR 1945 PC 18**, wherein, it has been observed that in India, there is a statutory right on the part of the police to investigate the circumstances of an alleged cognizable crime without requiring any authority from the judicial authorities. It is further observed that it would be an unfortunate result if it should be held possible to interfere with those statutory rights by an exercise of the inherent jurisdiction of the Court. It is further observed that the functions of the judiciary and the police are complementary, not overlapping, and the combination of individual liberty with a due observance of law and order is only to be obtained by leaving each to exercise its own function.

- 9) In view of the above, as the investigation is at nascent stage this Court is not inclined to settle the proceedings as to unearth the truth thorough investigation is required. Hence, no case is made out. Accordingly, present petition is disposed of being **dismissed**.

(HASMUKH D. SUTHAR,J)

ANKIT

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ANKIT YOGESHBHAI JANSARI(HCW0109), ENGLISH STENOGRAPHER GRADE I, at High Court of Gujarat on 24/09/2025 17:40:35