

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 19798 of 2025

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HARDIKBHAI ASHWINBHAI BHATT & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR ZUBIN F BHARDA(159) for the Applicant(s) No.
1,2,3,4,5,6

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

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 25/09/2025

ORAL ORDER

1.Heard learned advocate Mr. Zubin F. Bharda for
the applicants, learned Additional Public
Prosecutor Mr. Ronak Raval for respondent No.1 –
State, and learned advocate Mr. Darshit
Brahmbhatt for respondent No.2 – original
complainant.

2.At the outset, under instructions, learned
advocate Mr. Zubin Bharda does not press this
application qua applicant Nos. 1 and 3, with a

view to avail the appropriate remedy available to them. Hence, the present petition stands disposed of as withdrawn qua applicant Nos. 1 and 3, without entering into the merits of the matter qua applicant Nos. 1 and 3 only.

3. As per learned advocate Mr. Zubin Bharda, from the registration of the FIR it is evident that no derogatory remarks about the complainant's community were made by applicant Nos. 2, 4, 5, and 6. Therefore, looking to the allegations against applicant Nos. 2, 4, 5, and 6, which are absolutely non-specific, and considering that even the registration of the FIR and its contents do not disclose that any offence under the Atrocity Act has been committed by them, they are required to be protected.

4. As far as applicant No. 2 is concerned, learned advocate Mr. Zubin Bharda submitted that the allegation against him is that he threw a cup containing tea at the complainant and thereby injured him. However, considering the fact that

the offence is alleged to have been committed by a mob, the allegations against applicant No. 2 are also a subject matter of investigation. Since the presence of a mob is reflected in the FIR itself, applicant No. 2 is also required to be protected.

5. Though learned Additional Public Prosecutor Mr. Ronak Raval and learned advocate Mr. Darshit Brahmbhatt, appearing for the respondent – State as well as the complainant, vehemently opposed the petition, they could not point out anything which may compel the Court to prima facie come to the conclusion that applicant Nos. 2, 4, 5, and 6 were actively involved in the offence in question.

6. Further, from the material available with the Investigating Officer, it is also not disclosed that they have uttered any derogatory words or statements regarding the caste or community of the complainant.

7. Considering the above, issue **Rule returnable on 06.11.2025**. Learned Additional Public Prosecutor waives service of Rule on behalf of respondent No.1 – State. Learned advocate Mr. Darshit Brahmbhatt waives service of Rule on behalf of respondent No.2 – original complainant.

8. In the meantime, though the investigation may proceed, no coercive steps shall be taken against applicant Nos. 2, 4, 5 and 6, and no charge-sheet shall be filed against them without prior permission of this Court.

9. The present petition stands disposed of as withdrawn qua applicant Nos. 1 and 3.

(NIRZAR S. DESAI, J)

Pallavi

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PALLAVIBEN PRABHUDAS PANCHAL(HC01403), PRIVATE SECRETARY, at High Court of Gujarat on 25/09/2025 17:52:08