

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 14164
of 2025

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PUKHRAJ BHAGARAM LAKHARA
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR GAJENDER S. RATHORE WITH MR GAURAV S THUMMAR(13022) for
the Applicant(s) No. 1

MR MANAN MAHETA, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 16/10/2025

ORAL ORDER

- 1) By way of present petition under Article 226 of the Constitution of India read with Section 528 of the BNSS, the petitioner has sought quashing of the **FIR No.11214042251314 of 2025** registered with **Olpad Police Station, Surat Rural**, for the offence punishable under Sections 406, 504, 506(2) and 420 of the Indian Penal Code.
- 2) Heard learned Advocate for the petitioners and learned APP for the State.
- 3) The allegations levelled in the FIR are that the accused has purchased goods on credit from the complainant during 16.07.2023 to 12.01.2024 in total worth of Rs.62,08,231/- out of which the accused had paid Rs.27,55,000/- and to recover the remaining amount of Rs.31,29,958/- the impugned FIR is registered. Perusing the allegations it appears that the dispute in question is commercial in nature and offence under Sections 406 and 420 are applied for the said transaction. As part payment has been made, considering

the law laid down in cases **Delhi Race Club (1940) Ltd. & Ors. vs. State of Uttar Pradesh & Anr.** reported in **2024 INSC 626** and **Rikhab Birani & Anr. vs. State of Uttar Pradesh & Anr.** reported in **2025 INSC 512**, present petition deserves consideration.

- 4) **RULE** returnable on **20.01.2026**. Learned APP waives service of notice of Rule for and on behalf of respondent No.1 – State of Gujarat. Respondent No.2 to be served through the concerned police station.
- 5) Meanwhile, there shall be **no coercive steps against the present petitioner** and the petitioner shall join the investigation. Direct service is permitted.

(HASMUKH D. SUTHAR,J)

ANKIT