

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC. APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 26075 of 2025**

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MANUBHAI BHIKHABHAI SHAH
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR. ZUBIN BHARDA FOR MR. DHARUVIK K PATEL(7769) for the
Applicant(s) No. 1
MS. KRINA CALLA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS

Date : 27/03/2026

ORAL ORDER

1. Learned advocate Mr. S.R. Shah has submitted that he has instructions to appear on behalf of the respondent No.2-complainant. He is permitted to file his appearance. Registry is directed to accept his vakalatnama, as and when the same is filed.
2. Heard learned advocate Mr. Zubin Bharda assisted by Mr. Dhruvik Patel, learned advocate appearing for the applicant and learned APP Mr. Manan Maheta appearing for the respondent No.1-State.
3. Perused the entire material placed on the record along with the impugned FIR as well as the original case papers, produced by the Police Officer of the concerned Police Station.
4. It prima facie appears that the respondent No.2- original complainant had booked one flat in the scheme, namely, "Silver Castle" and paid Rs. 2.5 Crore. She was allotted Flat No. 301 on 23.11.2022, however, sale deed regarding the same was not executed in her favour. In the meanwhile, the complainant received a notice from one Rohitbhai Shah, *inter alia* stating that Flat No.301 has already been allotted to him in the year 2020. Therefore, the

complainant has filed the impugned FIR before the Gujarat University Police Station against the present applicant and one Janakbhai Pravinchandra Shah.

5. Learned advocate Mr. Zubin Bharda appearing for Mr. Dhruvik Patel, learned advocate for the applicant has submitted that it appears from the bare perusal of the complaint and the documentary evidence that all the substantial allegations made by the complainant are against the accused No.1, namely, Janakbhai Pravinchandra Shah. It is submitted that the present applicant, who is aged about 85 years, has been arraigned as an accused in the offence, though he is a non executive partner in the partnership firm and he has not signed any document nor has he received any amount. It is also submitted that he has not played any role so far as the alleged offence is concerned.

6. Issue **NOTICE** to the respondents, making it returnable on 06.04.2026.

7. Learned APP Ms. Krina Calla waives service of notice for and on behalf of the respondent no.1 - State of Gujarat. Learned advocate Mr. S.R. Shah waives service of notice for and on behalf of the respondent no.2- complainant.

8. In the meanwhile, the investigation may continue, however, no coercive steps shall be taken against the present applicant, till the next date of hearing.

9. Direct service is permitted.

(VIMAL K. VYAS, J)

prk