

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 26652 of 2025

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UNNAD OSMAN ALIMAMAD
Versus
STATE OF GUJARAT & ANR.

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Appearance:
KUMAR H TRIVEDI(9364) for the Applicant(s) No. 1
PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM: HONOURABLE MRS. JUSTICE M. K. THAKKER

Date : 16/06/2026

ORAL ORDER

1. Learned advocate Mr. Kumar H. Trivedi for the applicant submits that the present applicant was arraigned as accused No. 3 in the impugned FIR and the allegations made in the FIR are that the land was sold to accused Nos.1 and 2 for the amount of Rs.83,53,000/- and subsequently the sale deed was registered in the name of the present applicant. It is submitted that the present applicant, at the time of registration of the sale deed, has paid the amount to the complainant to the extent of Rs.4,91,000/-.

2. It is submitted by the learned advocate Mr. Trivedi that the *Samjuti Karar*, which was executed between the parties where the present applicant was not a signatory and the cheques which

were issued pursuant to the *Samjuti Karar* were dishonoured, against which a complaint under the Negotiable Instruments Act came to be filed against accused No.2, which was also resulted into the acquittal. It is further submitted by the learned advocate Mr. Trivedi that the present applicant has subsequently sold this land to the other person and the revenue entries were challenged which was also resulted in favour of the subsequent purchaser. It is further submitted by the learned advocate Mr. Trivedi that the suit which was filed by the complainant for cancellation of the sale deed was also dismissed under Order 7 Rule 11.

3. It is submitted by the learned advocate Mr. Trivedi that as per the allegations made in the FIR, the period of offence is stated to be of the year 2021 and the FIR came to be filed after a considerable delay of 4 years without explaining any cause for the delay. It is submitted by the learned advocate Mr. Trivedi that in the FIR itself, the complainant had stated that he was not known to the applicant, neither had any transactions were taken place except those which are mentioned in the sale deed. It is further submitted by the learned advocate Mr. Trivedi that the charge-sheet has already been filed. It is submitted that in view

of the above factual background, the continuation of the proceedings would be nothing but an abuse of the process of law.

4. Considering the above submissions, notice returnable on 27.07.2026.

Ad-interim relief in terms of para 5(B) of this application be granted qua applicants.

Direct service is permitted.

Vikramsinh Amarsinh

(M. K. THAKKER,J)