

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 27418 of 2025

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SHAHID ALI S/O ZAFAR ALI & ANR.
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR DIPESH D SONI(9996) for the Applicant(s) No. 1
PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE J. C. DOSHI

Date : 24/12/2025

ORAL ORDER

1. **Rule.** Learned APP waives service of Rule on behalf of the respondent–State.

2. This is yet another instance emanating from Surat City where a purely commercial transaction involving sale of goods and recovery of money has been sought to be given the colour and contour of a criminal prosecution. Learned APP, upon perusal of the FIR and on instructions received from the Police Commissioner, Surat, has fairly stated that an explanation shall be called for from the concerned Police Inspector of D.C.B Police Station, Surat City, as the contents of the FIR, *ex facie*, disclose nothing beyond a commercial dispute between the parties.

3. Having heard learned advocate Mr. Shakeel A. Qureshi for the applicants and learned APP Mr. Chintan Dave for the respondent–State, and upon a considered reference to the decision of the Hon’ble Supreme Court in **Rikhab Birani and Another v. State of Uttar**

Pradesh and Another, 2025 SCC OnLine SC 823, as also the judgment of this Court in *Gumansingh Prathvising Parmar v. State of Gujarat, reported in 2025 (0) AIJEL-HC 251059*, this Court is of the *prima facie* view that the applicants have made out a strong case for issuance of Rule.

4. In view of the aforesaid and particularly considering the candid stand adopted by the learned APP that the criminal machinery ought not to be set in motion for disputes arising out of commercial transactions, this Court is of the considered opinion that permitting continuation of the investigation would, *prima facie*, amount to an abuse of the process of law. Ergo, further investigation pursuant to the impugned FIR is hereby stayed.

MANISH MISHRA

(J. C. DOSHI,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MANISH MISHRA(HC01776), STENO GR II, at High Court of Gujarat on 24/12/2025 18:08:46