IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER) NO. 9528 of 2018
With
R/SPECIAL CRIMINAL APPLICATION NO. 9491 of 2017
With
CRIMINAL MISC.APPLICATION (FOR JOINING PARTY) NO. 1 of 2022
In R/SPECIAL CRIMINAL APPLICATION NO. 9491 of 2017

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ANUPAMA PURENDRU JAIN
Versus
STATE OF GUJARAT & ORS.

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Appearance in CRMA NO.9528 OF 2018:
MS HIRVA R DAVE(10742) for the Applicant(s) No. 1
MR SAURABH PATEL ADVOCATE WITH PRIYANK S DAVE(9465) for the Applicant(s) No. 1
NOTICE SERVED BY DS for the Respondent(s) No. 2,3
MS DIVYANGNA JHALA APP for the Respondent(s) No. 1

Appearance in SCRA NO.9491 OF 2017:
MS HIRVA R DAVE(10742) for the Applicant(s) No. 1
MR SAURABH PATEL ADVOCATE WITH PRIYANK S DAVE(9465) for the Applicant(s) No. 1
NOTICE SERVED BY DS for the Respondent(s) No. 2,3
MS DIVYANGNA JHALA APP for the Respondent(s) No. 1

Appearance in CRMA NO.1 OF 2022:
MR ANKIT Y BACHAN for the Applicant(s) No. 1
MR HRIDAY BUCH ADVOCATE WITH MR JEET B KARIA for the Applicant(s) No. 1
MR.MRUDUL M BAROT for the Respondent(s) No.4
MS DIVYANGNA JHALA APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MS. JUSTICE GITA GOPI**

Date : 06/11/2026

COMMON ORDER

1. Rule. Learned advocates waive service of notice of rule on behalf of the respective parties. Rule is fixed forthwith.

2. This Criminal Misc. Application No.9528 of 2018 has been filed under Section 482 of Code of Criminal Procedure, 1973, for quashing and setting aside FIR No.I/45/2018, dated 28.04.2018, registered with Bhilad Police Station, Bhilad, District: Valsad for the offence punishable under Sections 406, 420, 468, 471, 474 and 114 of IPC. In Special Criminal Application No.9491 of 2017, the prayer has been made to quash and set aside the complaint dated 08.02.2017 filed by the original complainant.

3. Learned advocate Mr. Saurabh Patel submitted that the defacto complainant was before the Mamlatdar & Krushi Panch, Agricultural Lands Tribunal, Valsad, and in the proceedings the authority, by an order dated 20.07.2007, had considered the tenancy of the present applicant - Anupama Punendru Jain, for the property in Khata No.118, admeasuring 2-94-47, and had not found any breach of the condition, therefore the notice came to be withdrawn and the proceeding was closed.

4. Learned advocate Mr. Patel further submitted that thereafter, Regular Civil Suit No.52 of 2015 and Regular Civil Suit No.53 of 2015, which were filed by the complainant against the present applicant and other sisters, were withdrawn by the complainant - Ketanbhai Harshadrai Naik by way of settlement on 14.12.2024. Advocate Mr. Patel stated that the settlement was drawn on 13.12.2024, whereby the

complainant had taken the settlement amount, and one of the conditions stipulated was to withdraw the present case and stop the investigation in connection with the complaint.

5. Learned advocate Mr. Patel has also referred to an order of the earlier Bench dated 11.12.2017 in Special Criminal Application (Direction) No.9491 of 2017, where by way of relief granted in terms of Para No.7(B), the Collector was ordered to stay the further proceedings in pursuance of the complaint dated 08.02.2017, given by the original complainant, pending the disposal of the petition.

6. Learned advocate Mr. Patel further submitted that in spite of that direction, the complaint came to be lodged by the police. Learned advocate Mr. Patel submitted that, after being unsuccessful before the Mamlatdar & Krushi Panch, Agricultural Lands Tribunal and finding no other recourse, the complainant has challenged the blood line of all seven sisters, disputing that they are not the children of Babubhai Fakirchand Shah and mother Kamalaben Fakirchand Shah.

7. Learned advocate Mr. Buch appearing for the original complainant - Ketanbhai Harshadrai Naik has referred to the FIR stating that heirs of Babubhai Fakirchand Shah is a disputed question, which is required to be investigated, since the forged pedigree had been drawn.

8. Heard learned advocates appearing for the respective parties. The impugned FIR in question was registered by one Shri Gulsinhhbhai Ruvajibhai Gamit, Mamlatdar and

Executive Magistrate, Umargam on 28.04.2018. The application was moved by Ketanbhai Harshadrai Naik and on the complaint of Ketanbhai Harshadrai Naik, the Mamlatdar and Executive Magistrate has lodged the FIR.

9. It appears that it was under the instructions of the Collector that such a complaint was registered. It is very relevant to note that though an order was passed on 11.12.2017 by the coordinate Bench in Special Criminal Application (Direction) No.9491 of 2017 against the Collector, to stay all the further proceedings in pursuance to the complaint dated 08.02.2017 by the original complainant to the Collector, Valsad, the Collector proceeded to direct the Mamlatdar for lodging the complaint on 28.04.2018.

10. It is very unfortunate to note that the administrative authorities bear no respect for the orders of the Court. If, at all the Collector had any cause to proceed against the accused, it was his bounden duty to approach the Court for vacating the stay granted.

11. Even otherwise, the complaint would not become relevant in the circumstances that the original complainant had lost before the Mamlatdar and Krushi Panch, Valsad on 27.07.2007 in the proceeding. Further, he had himself withdrawn the cases before the Civil Court against the accused arraigned in the FIR. The pursis filed in the suit recorded by the Civil Judge shows that the dispute was settled between the parties with condition that no further suit would be filed against them.

12. Having considered the above facts of the matter, the complaint being FIR No.I/45/2018, dated 28.04.2018, registered with Bhilad Police Station, Bhilad, District: Valsad is ordered to be quashed and set aside, and the original complaint dated 08.02.2017 given by the original-complainant before the Collector is also ordered to be quashed and set aside.

13. In view of the above, Criminal Misc. Application No.9528 of 2018 and Special Criminal Application No.9491 of 2017 are disposed of as allowed. The application being Criminal Misc. Application No.1 of 2022 in Special Criminal Application No.9491 of 2017 stands disposed of accordingly. Rule is made absolute.

(GITA GOPI,J)

Pankaj/6

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PANKAJ KUMAR PRASAD(HC00967), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 06/11/2026 15:09:52