

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 14782 of 2016

=====

BHOGILAL GORDHANBHAI PARMAR & ANR.
Versus
STATE OF GUJARAT & ANR.

=====

Appearance:
MR PRADEEP PATEL(642) for the Applicant(s) No. 1,2
MR.TIRTHRAJ PANDYA ADDL. PUBLIC PROSECUTOR for the
Respondent(s) No. 1
UNSERVED EXPIRED (N) for the Respondent(s) No. 2

=====

CORAM:HONOURABLE MR. JUSTICE J. C. DOSHI

Date : 31/07/2025

ORAL ORDER

1 By way of this application under Section 482 of the Code of Criminal Procedure, 1973, the petitioners have prayed to quash and set aside the FIR being C.R No. I-8 of 2009 for the offences punishable under Sections 465, 467, 468, and 471 of the Indian Penal Code.

11. Heard learned advocate Mr. Pradeep Patel for the petitioners and learned APP Mr. Tirthraj Pandya for the respondent-State.

2. As per the endorsement of the process it reflects that respondent No.2 has expired.

3. A plain reading of the FIR spells out that the dispute is with regard to sale deed executed on 9.5.2000. The petitioners claimed that the complainant claimed that the

land in dispute is given to them by its erstwhile owner and that they were administering the said property. However, by a forged document dated 9.5.2000 the accused swindled away the immovable property which belonged to the complainant. This Court has noticed the order passed by the Coordinate Bench in Criminal Misc. Application No. 7567 of 2009 (Annexure C). The Coordinate Bench has quashed the FIR filed against Gordhanbhai Vashibhai Parmar the accused No. 3 in the FIR. The relevant observation in para 6 is read as under :

“6. I have heard learned advocates for the respective parties. It is not in dispute that the property was purchased by the present applicant on 09.05.2000 by a registered sale deed, which was registered with the competent authority. The person who was owner of the property had sold the property. No offence of forgery has been committed by the present applicant. It is also an admitted fact that the complainant had made complaint against the present accused and the said matter is already settled in the year 2006. This aspect has not been referred to in the present application. It is the case of the complainant that he was managing the disputed land cannot accepted and the owner himself had sold the property by a registered sale deed in favour of the applicant.”

4. The authenticity and genuinity of the registered sale deed dated 9.5.2000 has been considered by the Coordinate Bench and upon such consideration the FIR against the accused No. 3 Gordhanbhai Vashibhai Parmar came to be quashed. The finding arrived at by the Coordinate Bench fully operates in favour of the present petitioners. The role of the present petitioners are by no means in higher standing than the accused No. 3 Gordhanbhai Vashibhai Parmar. Moreover the Coordinate Bench has also recorded that there is some settlement in the year 2006.

5. In the aforesaid circumstances, the continuation of the proceedings against the petitioners are abuse of process of law.

5.1 Resultantly, the petition is allowed. The impugned FIR being CR-I No. 8 of 2009 registered with Sojitra Police Station and the offences registered qua the petitioners and all the connected proceedings are hereby quashed and set aside.

MARY VADAKKAN

(J. C. DOSHI,J)