



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 17252 of 2026

FOR APPROVAL AND SIGNATURE:

HONOURABLE MRS. JUSTICE M. K. THAKKER

Approved for Reporting	Yes	No
		✓

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ASHOK GOVINDBHAI SHINDHAV
 Versus
 STATE OF GUJARAT & ANR.

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Appearance:

MR BHAVIN S RAIYANI(3855) for the Applicant(s) No. 1
 MR.JAY MEHTA, APP for the Respondent(s) No. 1

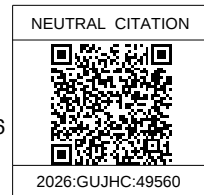
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CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER

Date : 06/08/2026

JUDGMENT

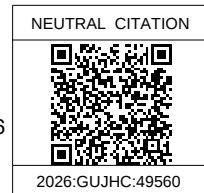
1. Rule returnable forthwith. Learned APP Mr.Jay Mehta waives service of Rule on behalf of respondent-State .
2. The present application is filed for quashment of the FIR being CR No. III - 165 of 2018 registered with Ajidem Police Station, Rajkot, for offence punishable under section 65-F, 116-B, 81 of the Prohibition Act.
3. Heard learned advocate Mr. Bhavin Raiyani for the applicant and learned APP Mr. Jay Mehta for the respondent-State.
- 3.1. It is submitted by the learned advocate Mr. Bhavin



Raiyani that the applicant was not named in the FIR and though FIR is of the year 2018, the applicant was arrested on 09.08.2021 on the basis of the statement of co-accused. It is submitted that as the co-accused, from whose statement the name of applicant was revealed, was acquitted by learned trial court after full fledged trial in that background, continuation of proceedings against present applicant is abuse of process of law, more particularly, in absence of any independent evidence against present applicant.

3.2. Per contra, learned APP Mr. Jay Mehta submits that the trial qua present applicant is under progress and total five witnesses are examined, including the panch witnesses in that background, at this stage no interference is called for and present application be rejected.

4. This Court has referred the allegations made against the present applicant as he was not named in the FIR and by way of supplementary charge-sheet which is filed in the year 2021, he was arrested on the basis of the statement of co-accused. It is required to be noted that learned APP is unable to point out any independent evidence,



from the charge-sheet, except the statement of co-accused.

- 4.1. Keeping in mind the above submissions and perusing the record, moreover in respect of the fact that when the co-accused has been acquitted by the learned trial court after full fledged trial, this Court is of the opinion that continuation of proceedings against present applicant is nothing but abuse of process of law. This Court has referred to the decision of the Apex Court in the case of ***Arif Amirmiya Pirjada Vs State of Gujarat & Anr. In Criminal Appeal No.383 of 2026*** wherein, in an identical situation the Apex Court has quashed the FIR.
5. In view of the above observations, this Court is of the opinion that the present application deserves to be allowed.
6. Resultantly, present application is allowed. Therefore, the impugned FIR being CR No. III - 165 of 2018 registered with Ajidem Police Station, Rajkot, alongwith all consequential proceedings is hereby quashed. Rule is made absolute.
7. Direct service is permitted.

ARCHANA S. PILLAI

(M. K. THAKKER,J)