



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 3194 of 2023

FOR APPROVAL AND SIGNATURE:

HONOURABLE MS. JUSTICE NISHA M. THAKORE

=====		
Approved for Reporting	Yes	No
=====		

KULDIPSINH JAYSINH RATHOD & ORS.
 Versus
 STATE OF GUJARAT & ANR.

=====

Appearance:
 MR VIRAT G POPAT(3710) for the Applicant(s) No. 1,2,3
 MR. YUVRAJ BRAHMBHATT ADDL. PUBLIC PROSECUTOR for the
 Respondent(s) No. 1
 RULE SERVED for the Respondent(s) No. 2

=====

CORAM: HONOURABLE MS. JUSTICE NISHA M. THAKORE

Date : 17/08/2026

ORAL JUDGMENT

1. The present petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 at the instance of the original accused Nos. 4, 5 and 6 of the FIR bearing Registration No. 11213030230074 of 2023 registered with Lodhika Police Station, Rajkot (Rural) with the following prayers :-

“a) To allow the present petition:

(b) To issue appropriate writ/ writ in the nature of mandamus and/or any other appropriate writ order or



aside the direction quashing and setting impugned FIR being CR No. 11213030230074/2023 registered with Lodhika Police Station, Rajkot Rural, qua the present petitioners;

(c) Pending admission, hearing and final disposal of this petition, to stay further investigation/proceedings in connection with FIR being CR No. 11213030230074/2023 registered with Lodhika Police Station, Rajkot Rural;

(d) To pass any other and further orders as may be deemed fit and proper to this Hon'ble Court in the interest of justice."

2. At the outset, learned advocate Ms.Shweta Lodha appearing on behalf of Mr. Virat G. Popat, learned advocate on record for the applicant has invited my attention to the order dated 09.04.2025 passed by the Hon'ble Supreme Court in Criminal Appeal No. of 2025 arising out of SLP (Criminal) No. 4624 of 2023. It is submitted that the appellants-original-purchasers of land in question had approached the Hon'ble Supreme Court, being aggrieved and dissatisfied with the order dated 17.03.2023 passed by the Coordinate Bench of this Court in quashing petition preferred by them being Criminal Misc. Application No. 4906 of 2023 praying for quashing of the FIR impugned in the present application. She has further submitted that considering the role ascribed to the appellants therein, the Court had appreciated the matter in its entirety and had



formed an opinion that the matter was purely civil in nature for the recovery of money as alleged to be due and payable to the original complainant by the appellants.

3. Considering the entirety of the matter, thus the Hon'ble Supreme Court had quashed the FIR against the original accused No.1 and 7. She has further invited my attention to the averments made in the complaint as against the present petitioners. It was submitted that the petitioner No.1 who is arraigned as original accused No. 4 in the impugned FIR is a subsequent bonafide purchaser inasmuch as the land in question was purchased by him from the original purchasers by the registered sale deed dated 04.04.2016. She has further stated that the petitioners No. 2 and 3 who have been arraigned as accused No. 5 and 6 in the impugned FIR are the third purchaser in row who have also purchased the land in question by registered sale deed dated 23.10.2018 for consideration.

4. Referring to the aforesaid events, she has submitted that the FIR in question was registered much thereafter on 03.03.2023. Prior to that, in fact the Civil Suit was filed by the original owner against the first purchaser being Special Civil Suit No. 59 of 2017 before the Court of learned 2nd Additional Chief Judicial Magistrate which was dismissed by judgment dated 19.04.2024 and was subject matter of challenge in an appeal preferred before this Court being First Appeal No. 3673 of 2024. The attention of the Court was invited to the order dated 08.01.2025 passed in the



aforesaid appeal produced on record at page 171. Referring to the aforesaid order, learned advocate has submitted that in fact the original owner namely the complainant of the FIR in question has subsequently entered into the settlement with the proposed purchaser and the appeal was withdrawn as recorded in the order dated 08.01.2025. Referring to the aforesaid orders, learned advocate has submitted that the present petitioners are subsequent bonafide purchasers and in fact there is no challenge as on date to the third sale deed executed by the petitioner No. 1 in favour of petitioners No. 2 and 3. She has therefore, urged this Court that in view of the order passed by the Hon'ble Supreme Court appreciating the FIR in question to be purely civil in nature, the continuation of the proceedings against the present petitioners would be an abuse of process of law. She has therefore, urged this Court to quash and set aside the impugned FIR.

5. Learned Addl. Public Prosecutor Mr. Yuvraj Brahmhatt appearing for the respondent State authority was unable to dispute the aforesaid submissions made by learned advocate for the petitioner.

6. Having heard the learned advocate appearing for the respective parties and having perused the averments made in the FIR, from the record it transpires that the present petitioner No.1 is the subsequent purchaser of the land in question by virtue of registered sale deed dated 04.04.2016, he has purchased the land in question for sale consideration thereafter, the said accused No. 4 has sold



the land in question in favour of the accused No. 5 and 6 by registered sale deed dated 23.10.2018, for sale consideration.

7. As against the aforesaid transactions, it transpires from the record that the challenge to the sale deed dated 02.06.2012 was made by the original owner by filing Civil Suit being Special Civil Suit No. 59 of 2017 before the Court of learned 2nd Addl. Chief Judicial Magistrate. It appears from the pleadings of the aforesaid Civil Suit, that the challenge was also made to the sale deed executed by the first purchaser in favour of present petitioner No.1-original accused No. 4 dated 04.04.2016. As evident from the order dated 08.01.2025, passed by the Hon'ble Division Bench of this Court in First Appeal No. 367 of 2024, the original owner-complainant herein has entered into settlement with the proposed purchaser and in view of the settlement, the appeal was sought to be withdrawn. The Division Bench of this Court had permitted withdrawal of the First Appeal preferred at the instance of the original owner-complainant herein. Thus, it is established on record that the original complainant has entered into settlement with the subsequent purchaser in respect of the sale transaction. The Hon'ble Supreme Court while appreciating the offence alleged against the first purchaser, has opined that the matter appears to be purely civil in nature for the recovery of the money which was alleged to be due and payable to the original complainant by the appellants.



8. Considering the entirety of the matter as transpires on record, and having noted that the FIR against the original owner against whom the principal grievance with regard to the recovery of money which was alleged to be due and payable has culminated into the quashing of the FIR, the present petitioners being subsequent purchasers of land in question, the continuation of the present proceedings, would amount to abuse of process of law and travesty of justice.

9. In view of the aforesaid developments, this Court is of the view that it is a fit case to exercise the inherent powers vested under Section 482 of the Code.

10. For the foregoing reasons, FIR bearing Registration No. 11213030230074 of 2023 dated 03.03.2023 against the present petitioners registered with Lodhika Police Station, Rajkot (Rural) is hereby quashed and set aside. The petition stands allowed accordingly.

MARY VADAKKAN

(NISHA M. THAKORE,J)