

Jayshreeben Mahendrabhai Thakkar vs State Of Gujarat on 14 October, 2026

NEUTRAL CITATION

R/CR.MA/23539/2015
(GJHC240509492015)

JUDGMENT DATED: 14/10/2026

undefined

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC. APPLICATION (FOR QUASHING & SET
ASIDE FIR/ORDER) NO. 23539 of 2015

With

R/CRIMINAL MISC. APPLICATION NO. 18827 of 2013

With

R/CRIMINAL MISC. APPLICATION NO. 25471 of 2016

FOR APPROVAL AND SIGNATURE:
HONOURABLE MR.JUSTICE P. M. RAVAL

Approved for Reporting

Yes

No

✓

JAYSHREEBEN MAHENDRABHAI THAKKAR & ANR.

Versus

STATE OF GUJARAT & ANR.

Appearance:

MR DM DEVNANI(5880) for the Applicant(s) No. 1,2

MR CHINMAY M GANDHI(3979) for the Respondent(s) No. 2

MR ROHAN SHAH, APP for the Respondent(s) No. 1

CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL

Date : 14/10/2026

ORAL JUDGMENT

1. By this common judgment, the Court proceeds to dispose of three interconnected applications filed under Section 482 of the Page 1 of 30 Uploaded by HIREN MER(HC00351) on Wed Oct 14 2026 Downloaded on : Thu Oct 15 01:50:10 IST 2026 NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined [Code of Criminal Procedure](#), 1973 (hereinafter referred to as "the Code" / "[Cr.P.C.](#)") seeking the quashing of respective First Information Reports (FIRs) and all consequential proceedings arising therefrom.

2. As all three applications stem from protracted administrative, civil, and personal disputes between the executive office-bearers of Shree Yogeshwarnagar Co-operative Housing Society Ltd. and society members Dr. Mahendra Jagjivandas Thakkar and Dr. Jayshreeben Thakkar, they were heard together. For clarity and structured adjudication, each application is evaluated and decided separately setting out its independent factual matrix, submissions, and specific quashing reasoning, followed by a common operative order.

3. By way of Criminal Misc. Application No. 25471 of 2016 filed under [Section 482](#) of the Code, the Applicant seeks quashing of the First Information Report registered as FIR No. II-C.R. 3267/2016 at Vejalpur Police Station, Ahmedabad City, lodged by Respondent No. 4 for alleged offenses, along with all consequential proceedings arising therefrom.

3.1 Facts as narrated in FIR No. II-C.R. 3267/2016, in verbatim, are as follow:

"18/09/2016 Page 2 of 30 Uploaded by HIREN MER(HC00351) on Wed Oct 14 2026 Downloaded on : Thu Oct 15 01:50:10 IST 2026 NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined Jayshreeben w/o Mahendrabhai Jagjivandas Thakkar, aged 53 years, Occupation: Service (Professor, Department of Anesthesia, Gujarat Cancer & Research Institute, Civil Hospital, Ahmedabad), residing at 40/A, Yogeshwarnagar Society, Dharnidhar Road, Paldi, Ahmedabad City, Mobile No.:

9824500653.

Appearing in person, I state and dictate my complaint as under:

I reside with my family at the above-mentioned address. I am serving as a Professor in the Anesthesia Department at Gujarat Cancer & Research Institute, Civil Hospital, Ahmedabad.

My working hours are from 9:00 AM to 5:00 PM, and I have a weekly off on Sundays. In addition, both my husband and I are members of the aforementioned society. The annual general meetings and Special General Body Meetings under unavoidable circumstances are held at our society's common plot, next to Shivyalay Flats, near Anjali Cross Roads.

On 14/08/2016, at around 10:30 AM, a Special General Body Meeting of our society was organized at the common plot near Anjali Cross Roads regarding the resolution/dispute of land situated on the western side of the society. Myself, my husband, the Chairman of the society--Mineshbhai Umedbhai Patel (residing at 15, Yogeshwarnagar)--and other members were present at this meeting.

Shortly before the meeting commenced, Girishbhai Umedbhai Patel (brother of our society's Chairman) arrived at the gate of the common plot and created a ruckus/shouted to gain entry in order to submit an application regarding society work. Seeing this, my husband and other members went towards Girishbhai.

While I and other members were standing at our designated place, our society Chairman, Mineshbhai, suspected that my husband was taking the side of his brother Girishbhai in their internal family/brother dispute. Under this assumption, he became agitated against my husband and told me:

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NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined "Warn/explain to your husband, otherwise I will kill him."

As Mineshbhai possesses a licensed revolver, I got terrified and did not give any response. Shortly thereafter, my husband went abroad. During that same meeting, Mineshbhai also engaged in a heated altercation with another society member, Sanjaybhai, and threatened him saying he would 'see to him' (joi levani dhamki). Today, after my husband returned from abroad, I have come to lodge this complaint regarding the incident.

Therefore, on 14/08/2016 at around 10:30 AM at the society's common plot near Shivyalay, Anjali Cross Roads, the above-named Mineshbhai Umedbhai Patel--under the belief that my husband was siding with his brother Girishbhai in their personal dispute-- issued a death threat to my husband through me and also threatened Sanjaybhai. I hereby file this complaint for taking legal action against him my witnesses are Bharatbhai Kantil Shah (Residing at: 86, Yogeshwarnagar Society) and Sanjay Anantray Raval (Residing at: 71/A, Yogeshwarnagar Society) and other members as revealed during police investigation.

The above complaint is as dictated by me, and it is true and correct."

FACTUAL MATRIX:

4. The relevant facts necessary for deciding this application, as emerged from the record, are as under:

4.1 The Applicant is currently serving as the Chairman of Yogeshwarnagar Co-operative Housing Society Limited, situated at Paldi, Ahmedabad.

4.2 On 14.08.2016, at around 10:30 AM, a General Body Meeting of the Society was convened. During the course of the meeting, the Page 4 of 30 Uploaded by HIREN MER(HC00351) on Wed Oct 14 2026 Downloaded on : Thu Oct 15 01:50:10 IST 2026 NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined Applicant's step-brother, one Mr. Girish Umedbhai Patel (who is not a member of the society), entered the venue and engaged in a heated verbal exchange with the Applicant regarding ongoing private property litigations involving their deceased father, Late Umedbhai Patel.

4.3 Taking advantage of this exchange, Respondent No. 4 and her husband, Dr. Mahendra Jagjivandas Thakkar, lodged a joint complaint with Paldi Police Station on 15.08.2016 (registered as LA No. 508/2016). The Paldi Police conducted a preliminary inquiry, recorded statements of multiple independent society members (including Jayanti S. Patel and Sanjay Raval), and concluded that the verbal dispute was strictly between the Applicant and his step-

brother Girish Patel. Consequently, Paldi Police filed a report before the Executive Magistrate under [Section 107](#) of the Code, which was registered as Chapter Case No. 85/2016 on 04.09.2016.

4.4 Unsatisfied with the Chapter proceedings, Dr. Mahendra Thakkar presented a second complaint on 30.08.2016 before Vejalpur Police Station (LA-2293/2016) on the identical cause of action. Upon being notified that Paldi Police had already conducted an inquiry and submitted a report to the Executive Magistrate, the Vejalpur Police closed the said complaint.

4.5 Thereafter, on 18.08.2016 / 18.09.2016, Respondent No. 4 (Dr. Jaishreeben Thakkar) approached Vejalpur Police Station for a Page 5 of 30 Uploaded by HIREN MER(HC00351) on Wed Oct 14 2026 Downloaded on : Thu Oct 15 01:50:10 IST 2026 NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined third time on the exact same set of facts concerning the meeting dated 14.08.2016. This time, the Police Inspector, Vejalpur Police Station straightaway registered the impugned FIR No. II-C.R. 3267/2016.

SUBMISSIONS ON BEHALF OF THE APPLICANT:

5. Learned advocate Mr. Chinmay M. Gandhi appearing for the Applicant vehemently submitted that:

a) Impermissibility of Multiple FIRs: The registration of the impugned FIR at Vejalpur Police Station is wholly illegal as it pertains to the exact same alleged incident dated 14.08.2016, which was already inquired into by Paldi Police Station and referred to the Executive Magistrate as Chapter Case No. 85/2016. Filing successive complaints before different police stations on identical facts is a gross abuse of the process of law.

b) Unexplained Delay & Afterthought: The FIR was registered on 18.09.2016 for an alleged incident dated 14.08.2016--a delay of over one month without any explanation, establishing that the FIR is a calculated afterthought.

c) Absence of Cognizable Offense: The statements recorded during the initial inquiry establish that the Page 6 of 30 Uploaded by HIREN MER(HC00351) on Wed Oct 14 2026 Downloaded on : Thu Oct 15 01:50:10 IST 2026 NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined Applicant had no verbal altercation or dispute with Respondent No. 4 or her husband.

d) Malicious Prosecution & Personal Animus: The impugned FIR is the result of deep-rooted personal malice. Respondent No. 4 and her husband had forged society signatures to construct a commercial hospital on a residential plot within the society. The society filed Civil Suit No. 3038/2013 (later Civil Suit No. 375/2014). In Appeal from Order No. 410/2014, this Hon'ble Court (Coram: Akil Kureshi, J.) vide order dated 14.07.2015 recorded an explicit undertaking from Respondent No. 4 and her husband that they shall use the plot strictly for residential purposes and not for commercial/hospital use.

e) Public Grievance against Complainant: Due to persistent harassment and repetitive false complaints, the society-initiated expulsion proceedings against Respondent No. 4 and her husband under [Section 36](#) of the Gujarat Cooperative Societies Act, and 120 members signed a joint representation to the Police Commissioner, Ahmedabad.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS:

6. Learned Additional Public Prosecutor appearing for the State and Learned Advocate Mr. Bomi H. Sethna for original complainant contended that the allegations in the FIR disclose a Page 7 of 30 Uploaded by HIREN MER(HC00351) on Wed Oct 14 2026 Downloaded on : Thu Oct 15 01:50:10 IST 2026 NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined cognizable offence and that the truthfulness of the allegations should be tested during investigation/trial. They submitted that the existence of prior civil disputes cannot be a ground to quash a criminal proceeding at the threshold.

ANALYSIS AND FINDINGS:

7. This Court has carefully considered the rival submissions, examined the material annexed to the application, and perused the relevant statutory provisions.

7.1 On the issue of Multiple / Successive FIRs:

It is a settled position of law laid down by the Hon'ble Supreme Court in [T.T. Antony v. State of Kerala](#) [(2001) 6 SCC 181] that there can be no second FIR, nor can there be fresh investigation on the receipt of subsequent information in respect of the same cognizable offence or same occurrence giving rise to one or more cognizable offences.

7.2 In the present case, the record incontrovertibly demonstrates that:

7.2.1 The incident dated 14.08.2016 was first lodged at Paldi Police Station (LA No. 508/2016), inquired into, and submitted as Chapter Case No. 85/2016 [u/s 107](#) Cr.P.C.

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NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined 7.2.2 A second attempt at Vejalpur Police Station (LA- 2293/2016) was officially closed upon revelation of the Paldi PS Chapter proceedings.

7.2.3 The registration of a third complaint as FIR No. 3267/2016 at Vejalpur Police Station on 18.09.2016 on the exact same cause of action is legally impermissible and unsustainable.

8. On the issue of Malice and Abuse of Process:

8.1 The parameters for exercising inherent powers under Section 482 of the Code have been laid down by the Supreme Court in the landmark judgment of [State of Haryana v. Bhajan Lal](#) [1992 Supp (1) SCC 335], where the Court identified categories warranting quashing:

"Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

8.2 The documents on record--specifically the order passed by this Court (Coram: Akil Kureshi, J.) in Appeal from Order No. 410/2014 dated 14.07.2015--unambiguously reveal that Respondent No. 4 and her husband were restrained from utilising their residential plot for commercial purposes. The Applicant, in his capacity as Society Chairman, resisted such illegal commercial Page 9 of 30 Uploaded by HIREN MER(HC00351) on Wed Oct 14 2026 Downloaded on : Thu Oct 15 01:50:10 IST 2026 NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined conversion. The sequence of repeated complaints across multiple police stations, coupled with the resolution signed by 120 society members and expulsion proceedings under [Section 36](#) of the Gujarat Cooperative Societies Act, leaves no doubt in our mind that the impugned FIR is a weapon of vendetta.

9. To permit the criminal proceedings pursuant to FIR No. II- C.R. 3267/2016 to continue would be nothing short of an absolute abuse of the process of the Court and a clear travesty of justice.

10. Facts as narrated in FIR C.R. No. II-3365 of 2013, in verbatim, are as follow (Criminal Misc. Application No. 18827 of 2013):

"Upon being asked in person, I state and dictate the facts of my complaint as under:

I have been residing at the above-mentioned address for the last 10 years and practice medicine running an eye hospital named "Eyecare" at Shree Raj Center, opposite Vasna Bus Stand. Today, upon being read out Application No. LA-1512/13 dated 25- 10-2013 of Ellisbridge Police Station, I state in connection therewith that:

On 24-12-2012, I purchased Plot No. 105-B in Yogeshwar Cooperative Housing Society Limited from Vibhaben Hareshbhai Shah for a consideration of ₹1,11,00,000/- (Rupees One Crore Eleven Lakhs Only) by way of a registered sale deed. I deposited ₹50,000/- towards society membership fee, and our names were duly recorded in the society records. Since we intended to construct a house on the said plot, building plans were required to be approved by the Municipal Corporation. As per the Corporation's instructions, my wife Jayshreeben and I went to the Yogeshwarnagar Society office on 07-08-2013 to obtain the Page 10 of 30 Uploaded by HIREN MER(HC00351) on Wed Oct 14 2026 Downloaded on : Thu Oct 15 01:50:10 IST 2026 NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined signatures of the Chairman and Secretary on the building plan.

At the office, we met Chairman Pravinbhai Gor and Secretary Harin Kantilal Thakkar. When we asked them to sign the construction plan, they told us to leave the plan with them, stating they would sign it after discussing it in the society. We submitted the plan along with an application to the Chairman and Secretary. Thereafter, we repeatedly inquired over the phone regarding the signatures, but received no satisfactory response.

Assuming the signatures were done, I went to the society office on 15-09-2013 at 10:00 AM to collect the plan. Secretary Harinbhai Thakkar told me, "You will not get your plan back," used vulgar/filthy language, and threatened: "If you come here again for signatures, we will break your hands and legs." He thus insulted, threatened, and threw me out. They convened a committee meeting on 22-08-2013. After the meeting concluded around 9:00 PM, Chairman Pravinbhai Gor and [Treasurer/Member] Satishbhai Pandya informed me that no signatures would be made on my plan under any circumstances. They uttered abusive words and threatened: "Never come to us again for signatures, otherwise we will kill you."

I was terrified by this. However, since I needed to get the work done through them, I did not lodge a complaint immediately. I submitted a written application on 24-10-2013. On 25-10-2013 at around 7:45 AM, while I was out for a morning walk near my house, Bharatbhai Shah met me and said: "Withdraw the applications you filed with the police against the Chairman and Secretary, otherwise the outcome will not be good and you will have to face severe consequences."

FACTUAL MATRIX:

11. The brief facts necessary for the disposal of the present application are as under:

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NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined 11.1.1 The Applicants are executive office-bearers and committee members of Shree Yogeshwarnagar Co-operative Housing Society Ltd.

11.1.2 The wife of Respondent No. 2 (original complainant) purchased Plot No. 105-B in the said society. Differences arose between the society's management and Respondent No. 2 regarding the approval of construction plans, removal of alleged road encroachments, and the issuance of a No-

Objection Certificate (NOC).

11.1.3 According to the Applicants, upon scrutiny of the construction plan submitted by Respondent No. 2, Applicant No. 2 (Secretary) entertained doubts regarding the authenticity of the signature of the former Secretary, Mr. Mineshbhai Umedbhai Patel. Subsequently, Mr. Mineshbhai Patel confirmed in writing on 07.10.2013 that the signature on the plans was forged.

11.1.4 Shortly after the discovery of the alleged forged documents, Respondent No. 2 lodged the impugned FIR on 31.10.2013 alleging that:

a) On 22.08.2013, during a society committee meeting, Applicant Nos. 1 and 3 abused and threatened him with dire consequences if he continued to pursue the plan approvals.

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b) On 15.09.2013, when Respondent No. 2 visited the office, Applicant No. 2 ignored and abused him.

c) On 25.10.2013, Applicant No. 4 threatened Respondent No. 2 during a morning walk to withdraw his complaints filed before police authorities.

12. Submissions on Behalf of the Applicants:

12.1 Learned Advocate Mr. Harshadray A. Dave for the Applicants submitted that:

12.1.1 The impugned FIR is a clear counter-blast and malicious prosecution triggered solely because the society discovered that Respondent No. 2 submitted construction plans bearing forged signatures and unauthorized stamps.

12.1.2 The allegations in the FIR, even if accepted on face value, do not satisfy the essential ingredients of Sections 294(b) or 506(2) of the [IPC](#).

12.1.3 There is an inordinate and unexplained delay in lodging the FIR for incidents allegedly occurring in August and September 2013.

12.1.4 The dispute is predominantly administrative/civil in nature concerning building plan approvals within a co-

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13. Submissions on Behalf of Respondent No. 2

(Complainant):

13.1 Learned Advocate Mr. Bomi H. Sethna for original complainant, relying upon the Affidavit-in-Reply filed on record, vehemently opposed the application and submitted that:

13.1.1 Respondent No. 2 is an eye surgeon who legitimately purchased Plot No. 105-B for Rs. 1,11,000/- and paid Rs. 50,000/- as transfer fees.

13.1.2 The society committee members deliberately delayed the transfer of membership and approval of construction plans, forcing Respondent No. 2 to issue notices under [Section 24\(2\)](#) of the Gujarat Co-operative Societies Act, 1961.

13.1.3 Specific allegations of criminal intimidation and abusive language have been levelled against the Applicants across multiple dates (22.08.2013, 15.09.2013, and 25.10.2013). Respondent No. 2 had submitted written representations to various police authorities as early as 15.09.2013.

13.1.4 The defence plea regarding forged signatures of the Page 14 of 30 Uploaded by HIREN MER(HC00351) on Wed Oct 14 2026 Downloaded on : Thu Oct 15 01:50:10 IST 2026 NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined ex-secretary is a manufactured excuse created under pressure by the Applicants to cover up their harassment of Respondent No. 2.

13.1.5 The presence of civil litigation (Civil Suit No. 3038 of 2013 filed by the Society) does not bar criminal prosecution where cognizable offences are disclosed.

14. Submissions on Behalf of the State:

14.1 The learned Additional Public Prosecutor submitted that the FIR discloses allegations of verbal abuse and threats, and the investigation should be allowed to proceed to ascertain the truth of the allegations.

ANALYSIS AND FINDINGS:

15. This Court has carefully considered the rival submissions, examined the contents of the FIR, and scrutinised the Affidavit-in-Reply along with annexed documents.

16. To determine whether the continuation of criminal proceedings constitutes an abuse of the process of the Court, the allegations must be evaluated against the statutory requirements of the charged offences:

16.1 [Section 294\(b\)](#) IPC : [Section 294\(b\)](#) IPC requires three Page 15 of 30 Uploaded by HIREN MER(HC00351) on Wed Oct 14 2026 Downloaded on : Thu Oct 15 01:50:10 IST 2026 NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined essential ingredients:

- a) Utterance of obscene words/songs;
- b) The act must take place in or near a public place; and
- c) It must cause annoyance to others.

16.2 The primary incident dated 22.08.2013 allegedly took place during a committee meeting inside the society office premises. A private meeting room of a co-operative housing society does not fall within the definition of a "public place".

16.3 Furthermore, the FIR and the Affidavit-in-Reply merely state that the Applicants "abused" the complainant. Mere general allegations of using abusive language or usage of sharp words during an argument at society meeting, without specific context showing public obscenity, do not satisfy the statutory threshold of [Section 294\(b\)](#) IPC.

16.4 [Section 506\(2\)](#) IPC (Criminal Intimidation):

16.4.1 Section 506(2) requires an intentional threat with intent to cause alarm to the person threatened. As held by the Hon'ble Supreme Court mere expression of words or an outburst during a heated exchange without an objective intention to execute the threat or without generating actual fear/alarm in the mind of the Page 16 of 30 Uploaded by HIREN MER(HC00351) on Wed Oct 14 2026 Downloaded on : Thu Oct 15 01:50:10 IST 2026 NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined complainant does not constitute an offence under [Section 506](#) IPC. 16.4.2 The alleged threats on 22.08.2013 and 25.10.2013 are vague, uncorroborated, and appear to be empty statements alleged amidst an ongoing administrative deadlock over property construction.

17. Counter-blast and Abuse of Process:

17.1 It is undisputed that an active administrative and legal dispute exists between the society management and Respondent No. 2 regarding plan approvals, NOCs, and civil suits.

17.2 The timeline clearly indicates that when the society management raised objections regarding the authenticity of the former Secretary's signature on the construction plans, Respondent No. 2 initiated criminal complaints.

17.3 The Apex Court in the landmark judgment of [State of Haryana v. Bhajan Lal](#) (1992 Supp (1) SCC 335) specifically laid down guidelines for exercise of extraordinary powers under [Section 482](#) Cr.P.C.:

"Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

17.4 [The present case](#) falls within the ambit of the principles laid Page 17 of 30 Uploaded by HIREN MER(HC00351) on Wed Oct 14 2026 Downloaded on : Thu Oct 15 01:50:10 IST 2026 NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined down in Bhajan Lal. Converting an administrative dispute over co- operative society management into criminal litigation against office-bearers serves as an arm-twisting tactic to settle private scores.

18. In view of the above analysis, continuing the criminal proceedings under FIR being C.R. No. II-3365 of 2013 against the Applicants would amount to an abuse of the process of law and cause unwarranted harassment to the committee members of the society.

19. Facts narrated in FIR I-C.R. No. 8/2014, in verbatim, are as follow:

"Date: 03/01/2014 Mineshbhai Umedbhai Patel, Age: 46 years, Occupation: Business, Residing at: 15, Yogeshwarnagar Co-Op. Ho. So. Ltd., Near Dharnidhar Derasar, Bhatha, Paldi, Ahmedabad, Mobile No.:

9825197508.

I personally appear and state the facts of my complaint as under: I reside at the above-mentioned address with my family and run a plastic factory named "Vinayak Poly Pack" near Sonal Cinema, Juhapura.

I served as the Secretary of Yogeshwarnagar Co-Op. Housing Soci- ety Ltd. from the year 2012 until 25/06/2013, with Pravinbhai Kodalal Gor serving as the Chairman. During that period, Plot No. 105 in our society was in the name of Vibhaben Hareshbhai Shah.

She executed a registered sale deed transferring Plot No. 105 jointly to Dr. Jayshreeben Mahendrabhai Thakkar and Mahendrab-

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NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined hai Jagjivanbhai Thakkar, both residing at 40-A, Yogeshwarnagar Co-Op. Housing Society, Bhatha, Ahmedabad. To transfer the plan on society records, Dr. Jayshreeben Mahendrabhai Thakkar and Mahendrabhai Thakkar submitted an applica- tion to me. Prior to the plot being officially transferred to their names, in March 2013, they prepared a construction plan for Plot No. 105, Block No. B. They had it stamped from the society office and came to my residence with the original plan to obtain my sig- nature as the Society Secretary. Since they had signed the plan as owners, I informed them that Plot No. 105 was not yet transferred to their names in the society records and still reflected Vibhaben Hareshbhai Shah's name. I advised them to obtain the signature of Vibhaben Hareshbhai Shah as the owner first, after which I would sign the plan.

They left to get Vibhaben's signature and returned to my residence within 10 minutes with the original plan bearing her signature. Upon comparing her signature on the plan against the copy of the original deed, I found it suspicious. I told Dr. Mahendrabhai and Jayshreeben to call Vibhaben in person, after which I would sign. Thereupon, they took the plan and left, and did not return.

Thereafter, upon the completion of my term as Secretary, I retired. On 21/07/2013, I travelled abroad, returning home to Ahmedabad in August 2013. At that time, the serving Secretary of our society, Shri Harinbhai Kantilal Thakkar, asked whether I had signed the Ahmedabad Municipal Corporation (AMC) plan submitted by Plot No. 105 owners, Dr. Jayshreeben Mahendrabhai Thakkar and Ma- hendrabhai Jagjivanbhai Thakkar, for construction, and requested a written clarification. I explained to Harinbhai Thakkar that both had come to me for my signature, but I had raised the aforementioned requirement. On 09/10/2013, I issued a written response clarifying that I had not signed the plan.

Thereafter, society Secretary Harinbhai Kantilal Thakkar obtained the registered construction plan and other documents submitted to the Ahmedabad Municipal Corporation for Plot No. 105 under the [RTI Act](#). Those documents at the Municipal Corporation contained the signatures of Dr. Mahendrabhai Jagjivanbhai Thakkar and Dr. Page 19 of 30 Uploaded by HIREN MER(HC00351) on Wed Oct 14 2026 Downloaded on : Thu Oct 15 01:50:10 IST 2026 NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined Jayshreeben. Upon inspecting documents such as undertakings and affidavits for Plot No. 105 bearing my purported signatures, I was shocked because I had not made those signatures. Fake and forged signatures and stamps were placed on them in my capacity as Soci- ety Secretary.

Upon discovering this, I lodge my legal complaint against Dr. Ma- hendrabhai Jagjivanbhai Thakkar and Dr. Jayshreeben Mahendrab- hai Thakkar for forging my signatures and creating fake society stamps on the plan, declaration, undertaking, affidavit, and other notarized documents submitted to the Ahmedabad Municipal Cor- poration for Plot No. 105, using them as genuine to derive illegal benefit, despite being doctors by profession and knowledgeable about the law."

FACTUAL MATRIX:

20. The dispute pertains to Plot No. 105/B located within Yogeshwarnagar Co-Operative Housing Society Ltd., Bhatha, Paldi, Ahmedabad. The relevant background facts are summarized as under:

20.1 Ownership & Conveyance: Plot No. 105 was originally held by Power of Attorney Taraben Navnitbhai Akruwala, which was subsequently transferred in September 1995 to Vibhaben Harishbhai Shah and Chetnaben Harishbhai Shah. Thereafter, the property was divided into Plot Nos. 105/A and 105/B. On 14.12.2012, Vibhaben Shah executed a registered sale deed transferring Plot No. 105/B in favor of Applicant No. 1 (Dr. Jayshreeben Thakkar) and Applicant No. 2 (Dr. Mahendrabhai Thakkar).

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NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined 20.2 The Allegations in FIR I- C.R. No. 8/2014: Respondent No. 2 (Mineshbhai Umedbhai Patel), former Secretary of the society (term ending 25.06.2013), lodged the impugned FIR on 03.01.2014. It is alleged that in March 2013, the Applicants presented a building plan for Plot No. 105/B for society approval. Respondent No. 2 refused to sign as Secretary, pointing out that the plot was not yet mutated in their names in society records and required the signature of original owner Vibhaben Shah. It is alleged that the Applicants returned within minutes with Vibhaben's signature, which Respondent No. 2 found suspicious, prompting him to demand her personal presence.

20.2.1 It is further alleged that after Respondent No. 2 returned from abroad in August 2013, the successor Secretary, Harinbhai Kantilal Thakkar, obtained documents submitted by the Applicants to the Ahmedabad Municipal Corporation (AMC) under the [Right to Information Act, 2005](#). On inspecting the plans, affidavits, and undertakings submitted to AMC, Respondent No. 2 claimed that his signatures and the society's rubber stamps were forged on the initial submission to secure building sanction.

SUBMISSIONS OF THE PARTIES:

21. Submissions of Learned advocate Mr. Dharmesh M. Devnani on behalf of the Applicants:

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NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined 21.1 Malicious Counter-Blast: Learned Counsel for the Applicants submitted that the impugned FIR is a clear counter-

blast and an arm-twisting tactic engineered by society office-bearers. Prior to the impugned FIR, Applicant No. 2 lodged FIR II- C.R. No. 3365 of 2013 at Ellisbridge Police Station against Harin K. Thakkar, Pravinbhai Gor, Satishbhai Pandya, Bharat Shah, and Respondent No. 2 (Mineshbhai Patel) for offences of intimidation and harassment. The present FIR was concocted solely to force the Applicants to withdraw their criminal complaint.

21.2 Supersession & Cancellation of Disputed Plan: The initial plan alleged to contain forged signatures was cancelled by the AMC and holds no legal effect. A revised plan submitted on 07.08.2013 was duly sanctioned by the Assistant Municipal Commissioner (West Zone) on 26.11.2013 after inviting and explicitly hearing written objections from the society. Fresh building permission (Raja-chitthi) was granted on 04.12.2013. Thus, no deception, injury, or loss occurred under [IPC](#) Section 463/464.

21.3 Civil Dispute Given Criminal Colour: The society repeatedly failed to obtain injunctive relief in civil forums:

a) Civil Suit No. 3038 of 2013 filed by the society was unconditionally withdrawn on 04.02.2014.

b) Civil Suit No. 375 of 2014 was filed, wherein the City Civil Court rejected the injunction application (Exh. 5) on Page 22 of 30
Uploaded by HIREN MER(HC00351) on Wed Oct 14 2026 Downloaded on : Thu Oct 15 01:50:10 IST 2026 NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined 24.04.2014.

c) Appeal from Order (A.O. No. 410 of 2014) preferred by the society was dismissed by this Court on 14.07.2015. Having failed in civil litigation, Respondent No. 2 converted a civil governance dispute into criminal prosecution.

22. Submissions on behalf of Learned Advocate Mr. Chinmay M. Gandhi for (Complainant) & learned Additional Public Prosecutor for the State:

22.1 Learned Advocate Mr. Chinmay M Gandhi for Respondent No. 2 (Complainant) and the learned Additional Public Prosecutor vehemently opposed the application.

22.1.1 Handwriting Expert / FSL Opinion: Learned Additional Public Prosecutor specifically highlighted that during the course of investigation, the Investigating Officer sent the disputed signature on the building plans submitted to the AMC, along with specimen signatures, to the Forensic Science Laboratory (FSL) for scientific comparison. As per the FSL handwriting expert opinion received on record, the disputed signature on the initial plans does not match the signature of the complainant (Respondent No. 2), nor does it match the signature/handwriting of Applicant No. 2, namely Mahendrabhai. Based on this finding, Learned Page 23 of 30 Uploaded by HIREN MER(HC00351) on Wed Oct 14 2026 Downloaded on : Thu Oct 15 01:50:10 IST 2026 NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined Additional Public Prosecutor submitted that the signature was demonstrably forged by someone, prima facie establishing the commission of an offence and justifying full trial.

22.1.2 It was further argued that under the principle of dual ownership applicable to co-operative societies, permission of the society is mandatory before initiating construction. It was contended that AMC acted without considering society objections properly and that the Applicants intend to use the premises for commercial/hospital purposes. Therefore, prima facie offences under [Sections 465, 467, 468, 471, and 114](#) of IPC are made out.

REASONING AND FINDINGS:

23. This Court has carefully considered the rival submissions, perused the FIR, the memo of Application, the counter-affidavits, the FSL opinion submitted by the Investigating Officer, and the official municipal records placed before it.

23.1 The law regarding exercise of inherent powers under [Section 482](#) Cr.P.C. to quash criminal proceedings is well settled. In [State of Haryana v. Bhajan Lal](#) (1992 Supp (1) SCC 335), the Hon'ble Supreme Court laid down illustrative categories where inherent powers ought to be exercised to prevent abuse of process of court, Page 24 of 30 Uploaded by HIREN MER(HC00351) on Wed Oct 14 2026 Downloaded on : Thu Oct 15 01:50:10 IST 2026 NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined including:

Category 1: Where allegations in the FIR, even if taken at face value, do not prima facie constitute any offence or make out a case against the accused.

Category 3: Where the uncontroverted allegations in the FIR and evidence gathered do not disclose the commission of any offence.

Category 7: Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance.

23.2 Applying these principles to the facts of the present case, this Court arrives at the following conclusions:

23.2.1 Legal Impact of FSL Opinion & Absence of Ingredients of Forgery ([IPC](#) Sections 463, 464, 465, 467, 468 & 471):

a) To constitute an offence of forgery under Section 463 read with [Section 464](#) of the IPC, the making of a false document must be accompanied by an intention to cause damage or injury to the public or any person, or to cause any person to enter into a contract, or with intent to commit fraud. [Section 464](#) IPC strictly defines making a false document as executing, signing, or sealing a document with the intention of causing it to be believed that such document was made by or by the authority of a person by whom or by whose authority it was not made.

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NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined 23.2.2 In [Sheila Sebastian v. R. Jawaharaj](#) ((2018) 7 SCC 581), the Hon'ble Supreme Court authoritatively settled the law governing criminal liability for forgery:

"Keeping in view the strict interpretation of penal statute i.e., referring to rule of interpretation wherein natural inferences are preferred, we observe that a charge of forgery cannot be imposed on a person who is not the maker of the same. As held in plethora of cases, making of a document is different than causing it to be made. As Explanation 2 to Section 464 further clarifies that, for constituting an offence under Section 464 it is imperative that a false document is made and the accused person is the maker of the same, otherwise the accused person is not liable for the offence of forgery."

23.3 In the present case, the learned Additional Public Prosecutor has explicitly brought on record the opinion of the Forensic Science Laboratory (FSL). The FSL expert report reveals that the disputed signature on the initial plan submitted to the AMC does not match the handwriting or signature of the complainant (Respondent No. 2), nor does it match that of Applicant No. 2 where as no signatures are obtained from Applicant No. 1 for sending it to FSL to be matched with the disputed signature.

23.4 Far from incriminating the Applicants, this scientific finding completely dismantles the prosecution's case against them under [Sections 465, 467, 468, and 471](#) IPC:

First, since the FSL report unequivocally confirms that the Page 26 of 30 Uploaded by HIREN MER(HC00351) on Wed Oct 14 2026 Downloaded on : Thu Oct 15 01:50:10 IST 2026 NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined Applicants did not make, execute, or forge the disputed signature, the fundamental requirement of [Section 464](#) IPC (making of a false document by the accused) is entirely absent against the Applicants.

Second, there is no material on record to demonstrate that the Applicants dishonestly or fraudulently used a forged document as genuine within the meaning of [Section 471](#) IPC, knowing or having reason to believe it to be forged.

Third, and most importantly, it is an admitted factual position that the initial building plan bearing the disputed signature was further required to be approved as revised plan was submitted and earlier plan was superseded by the AMC. The actual construction carried out by the Applicants is governed exclusively by a fresh plan submitted on 07.08.2013 and sanctioned on 26.11.2013, followed by the formal Raja-chitthi dated 04.12.2013 that too after considering objections from the Society.

23.5 The final sanction granted on 26.11.2013 was issued by the Assistant Municipal Commissioner after issuing notice to the society and independently hearing the explicit written objections filed by the society office-bearers. Once the municipal authority evaluated the society's objections on merits and granted statutory building permission on a fresh, independent application, the earlier draft plan became legally non-est and redundant. No statutory right was curtailed, nor was any pecuniary or legal injury caused to Respondent No. 2 or the society on the strength of the superseded draft. Therefore, neither the ingredients of making a false document nor the requisite mens rea (fraudulent or dishonest intent) exist against the Applicants.

24. Abuse of Process through Parallel Civil Litigation:

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24.1 The record reveals a persistent attempt by the society to convert a civil and municipal dispute into a criminal prosecution. The society instituted Civil Suit No. 3038 of 2013, which was unconditionally withdrawn. Subsequently, Civil Suit No. 375 of 2014 was instituted seeking to restrain construction. The City Civil Court rejected the injunction application (Exh. 5) on 24.04.2014, and this Court affirmed that rejection in Appeal from Order No. 410 of 2014 on 14.07.2015.

24.2 The grievances raised in the complainant's reply affidavit regarding "dual ownership", society approval under co-operative law, and alleged commercial user are purely civil/administrative grievances within the domain of the Co- operative Court or Civil Court. As settled by the Apex Court in criminal proceedings cannot be permitted to be weaponized to enforce civil rights or settle administrative scores when civil remedies have failed.

25. Malicious Institution and Ulterior Motive (Counter-Blast):

25.1 The timeline of litigation clearly establishes that Applicant No. 2 lodged FIR II-C.R. No. 3365 of 2013 against Respondent No. 2 and other society office-bearers for harassment and intimidation prior to the filing of the present complaint. The lodging of FIR I-

C.R. No. 8 of 2014 on 03.01.2014--months after the alleged Page 28 of 30 Uploaded by HIREN MER(HC00351) on Wed Oct 14 2026 Downloaded on : Thu Oct 15 01:50:10 IST 2026 NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined

inspection of municipal records--is a manifest counter-blast designed to exert pressure on the Applicants to abandon their criminal recourse and civil rights. This case falls squarely within [Category 7 of Bhajan Lal](#) (supra).

26. For the reasons stated above, taking into account the FSL expert opinion establishing that the Applicant No. 1 is not the author of the disputed signature, alongside the cancellation and supersession of the initial building plan by the AMC, this Court is of the considered opinion that continuation of criminal proceedings pursuant to the impugned FIR would amount to a gross abuse of the process of law and court.

27. In light of the reasons stated herein above, factual findings, and settled legal principles set out under the respective sections above, all three applications are hereby allowed and;

(i) FIR II-C.R. No. 3267 of 2016, registered with Vejalpur Police Station, Ahmedabad City, along with all consequential proceedings arising therefrom, is hereby quashed and set aside so far as Applicant Minesh Umedbhai Patel is concerned.

(ii) FIR II-C.R. No. 3365 of 2013, registered with Ellisbridge Police Station, Ahmedabad, along with all consequential Page 29 of 30 Uploaded by HIREN MER(HC00351) on Wed Oct 14 2026 Downloaded on : Thu Oct 15 01:50:10 IST 2026 NEUTRAL CITATION R/CR.MA/23539/2015 JUDGMENT DATED: 14/10/2026 (GJHC240509492015) undefined proceedings arising therefrom, is hereby quashed and set aside as against Applicants Pravinchandra Kodarlal Gor, Harin Kantilal Thakkar, Satishbhai Mukundrai Pandya, and Bharatbhai Jayantilal Shah.

(iii) FIR I-C.R. No. 8 of 2014, registered with Ellisbridge Police Station, Ahmedabad, along with all consequential investigations, chargesheets, and proceedings arising therefrom, is hereby quashed and set aside as against Applicants Dr. Jayshreeben Mahenderabhai Thakkar and Dr. Mahenderabhai Jagjivanbhai Thakkar.

27.1 Rule is made absolute in each of the three applications accordingly.

27.2 The observations made hereinabove are solely for the purpose of deciding the quashing of the FIRs. They shall not influence or affect any pending litigation or application before a Civil Court or any other statutory authority, which shall decide the matter independently in accordance with the law.

27.3 Direct service is permitted.

[P. M. Raval, J.] hiren/12tss141026D Page 30 of 30 Uploaded by HIREN MER(HC00351) on Wed Oct 14 2026 Downloaded on : Thu Oct 15 01:50:10 IST 2026