



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 7079 of 2025

FOR APPROVAL AND SIGNATURE:

HONOURABLE MRS. JUSTICE M. K. THAKKER

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Approved for Reporting	Yes	No
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SHIRINBEN SAHIL HUSAIN SAIYED
 Versus
 STATE OF GUJARAT & ANR.

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Appearance:
 MR. RASHESH A PATEL(8802) for the Applicant(s) No. 1
 MS. MONALI BHATT, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER

Date : 25/06/2026

JUDGMENT

1. Rule returnable forthwith. Learned APP Ms. Monali Bhatt waives service of Rule on behalf of the Respondent State.
2. The present application is filed under Section 528 of the BNSS of the 2023 for quashing the FIR registered with City A - Division Police Station, Bharuch, Gujarat, for the offence punishable under Sections 4(3), 5(c) of Gujarat Land Grabbing (Prohibition) Act, 2020, being CR No.11199010241271 of 2024 dated 25.12.2024.
3. As per the allegations made in the FIR wherein the present



applicant is arraigned as a sole accused. The complainant purchased a property being Building No.09 bearing survey no. 132/2 paiki B/P/9 admeasuring 160 sq. mts. situated at Sherpura Village, Chistiya Township, Dahej bypass road, Bharuch, from the original owners on 26.09.2000 vide registered sale deed being no.3843 and since 2001, the complainant is staying in the said property. It is alleged that in the year December 2020, the applicant and her husband Sahil Husain Saiyed had approached the son of the complainant namely Fazal Rehman Abdul Aziz Patel with a request that they are doctors and they had purchased some house, but the process of registration is going on, and therefore, they required the house for 15 days. It was requested to provide upper floor of the house of the complainant. On assurance that within a period of 15 days they would shift to their own house, the permission was given to said house for 15 days. Upon completion of 15 days, again request was made to extend the accommodation for a few more days, and upon completion of one month, the complainant has informed to vacate the premises, the threats were issued by the applicant and stated that they would not vacate the premises at any costs. The complainant made several requests to the applicant, however, that was converted into quarrels and as the present applicant did not vacate the premises for 3 years, the online application was filed under the Gujarat Land Grabbing Act on 22.07.2023 wherein the Land Grabbing Committee has passed an order on 17.12.2024 to lodge the complaint, and thereafter, the impugned complaint was filed which is a subject matter of challenge before this Court.

4. Heard learned advocate Mr. R. A. Patel for the applicant and learned APP Ms. Bhatt for the respondent - State. It is submitted



that the present applicant is willfully targeted by the State agencies including the police officer by lodging the false complaint. It is submitted that the present applicant had occupied the first floor of the house on rent with a consent and with oral understanding to pay the rent at the rate of Rs.3,000/- per month and the applicant had paid Rs.1,00,000/- in the month of August, 2020 as deposit. The applicant had also paid Rs.6,000/- as advanced deposit of two months. It is submitted that the complainant has pocketed Rs.72,000/- in piecemeal manner under the guise of payment of light bill, however, eventually, light connection was disconnected due to non-payment of the bill. It is submitted that the applicant was attacked on 14.07.2023 by the complainant and the applicant suffered several injuries on head and knees, but till date no action has been taken upon the said complaint filed by the applicant. It is submitted that though the complainant was agreed to allow the applicant to stay on rent, however, due to inter-caste marriage of the applicant, respondent no.2 attacked the applicant and subsequently lodged the FIR. It is submitted that earlier the complaint by the complainant came to be rejected by the Land Grabbing Committee on 13.06.2022 by holding that since the matter is between the tenant and landlord and pertaining to land, instead of approaching the civil court the complaint is filed. It is submitted that though the complainant collected the documents under the premise to execute the rent agreement, but he did not execute the same and false complaint is filed against the present applicant. In that background, it is submitted that continuation of process is nothing but an abuse of process of law.

5. Learned APP Ms. Bhatt for the State has opposed this application on the ground that investigation is still not concluded



and the applicant has been granted regular bail on condition to vacate the premises which was subsequently not complied and the bail was cancelled. It is further submitted that after she was taken to custody she was released on temporary bail, however, at that time also, the applicant remained absconded for 22 days and was caught by the police. It is submitted that the order passed by this Court confirming the order of the learned Sessions Court cancelling the bail was challenged before the Apex Court which was also finalized and SLP came to be dismissed vide order dated 08.06.2026. It is submitted that in that background the inherent jurisdiction under Section 528 does not require to be exercised, and application is required to be dismissed.

6. Having considered the submissions made by the learned advocate for the respective parties and on referring the allegations made in the FIR which is filed under the Land Grabbing Act against the present applicant who is the sole accused, it emerges that the complainant has permitted the applicant to occupy the upper floor of his house for 15 days in the month of December 2020. Subsequently, upto year 2023, she did not vacate the premises rather has issued the threats to the complainant. The complainant filed the application before the Land Grabbing Committee which was ordered in favour of the complainant on 17.12.2024 and impugned FIR is lodged. It is contended by the applicant that the applicant was permitted to use the premises by taking the rent at the rate of Rs.3,000/- and by taking advance of amount of Rs.1,00,000/-, however, the applicant fails to produce any material on record to substantiate that defence. Undisputedly, the premises owned by the present complainant is not vacated by the present applicant, in that background, it cannot be said that no ingredients of the Gujarat



Land Grabbing Act is made out.

7. In addition to that, the conduct of the applicant is also required to be noted. The application has been filed for regular bail being Criminal Misc. Application No.4023 of 2025 wherein the learned advocate has contended that the applicant is ready and willing to hand over the peaceful and vacant possession of the disputed property to the first informant within a period of one week from the date of her release. This Court has passed the order putting the condition while granting the bail to file an undertaking before the concerned Trial Court at the time of executing bond that she will vacate the premises within a period of one week from the date of her release. In addition to that the condition was also imposed to mark the presence before the concerned police station once in a month for a period of six months between 11.00 a.m. to 2.00 p.m. as well as the condition to surrender passport; if any, to the trial court within a week. As after two months upon getting released though filed an undertaking by the applicant none of the conditions were complied by her. The application was filed by the complainant for cancellation of bail which came to be allowed by the learned trial court vide order date 03.05.2025, and she was taken into custody.

8. There after, a regular bail application came to be filed before the learned 2nd Additional Sessions Judge, Bharuch, being Criminal Misc. Application No.401 of 2025 which came to be rejected by the learned Sessions Court vide order dated 06.06.2025. The said order was challenged before this Court by filing the successive regular bail application being Criminal Misc. Application No.12559 of 2025 wherein also this Court has rejected the said application by



observing that the applicant has made a false declaration that the application ready and willing to hand over the vacate and peaceful possession of the disputed property to the complainant. It is observed that the applicant had misled the Court by making false declaration, and therefore, this Court did not entertain the application for regular bail. The said order was challenged before the Apex Court by filing the SLP (Criminal) No.35083 of 2026 which was also dismissed vide order dated 08.06.2026. Not only that the applicant has filed temporary bail application on 29.01.2026 which was granted for 7 days and the applicant has to surrender on 06.02.2026, however, upto 28.02.2026, the applicant did not surrender and there after she was caught by the police and sent to custody.

9. The conduct of the applicant suggests that she firstly made a false declaration before this Court, subsequently, though the conditions were imposed to vacate the premises to hand over the passport and to mark the presence before the concerned police station, however, upon getting released none of the conditions were complied by the applicant. In that background also the application is not required to be entertained. Considering the overall circumstances as well as the criteria mentioned in the case of **State of Haryana Vs. Bhajanlal** reported in **AIR 1992 SC 604**, this Court does not find any merits in the application, hence, the present application is hereby rejected. Rule is discharged.

AMIT ITALIAN

(M. K. THAKKER,J)