IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 525 of 2020

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SANKET RASIKLAL RAJANI

Versus

STATE OF GUJARAT

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Appearance:
MR VIVEK V BHAMARE(6710) for the Applicant(s) No. 1
MR VN BHAMARE(1122) for the Applicant(s) No. 1
for the Respondent(s) No. 2
MR PRANAV TRIVEDI APP (2) for the Respondent(s) No. 1

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CORAM: HONOURABLE MR.JUSTICE S.H.VORA

Date : 10/01/2020

ORAL ORDER

1. Learned advocate Mr.Vivek Hirpara states at bar that he has instructions to appear for respondent No.2 – complainant and seeks permission to file appearance. Permission is accordingly granted.

2. Learned advocate Mr.Vivek Hirpara confirms identity of Respondent No.2, who is present before the Court and admits genuineness and correctness of affidavit filed through learned advocate Mr.Vivek Hirpara, which is ordered to be taken on record.

3. **Rule**. Learned A.P.P. and learned advocate Mr.Vivek Hirpara waive service of Rule for respondent Nos.1 and 2 respectively. The learned A.P.P. objects quashment of the present proceedings on the premise of settlement.

4. With the consent of learned advocate for the applicant and learned advocate for respondents, present application is taken up for final disposal today.

5. By way of the present application under Section 482 of the Code of Criminal Procedure, 1973 (for short, the ‘Code’), the applicant pray for quashing and setting aside the F.I.R. being C.R.No.II-3616 of 2019 registered with 'E' Traffic police station, Ahmedabad for the offence punishable under Sections 279 and 427 of the Indian Penal Code and Sections 177, 184 and 134(B) of the M.V. Act.

6. Learned advocate for the applicant has taken this Court through the factual matrix arising out of the present application.

7. At the outset, it is submitted that the parties have amicably resolved the dispute. In support of such submission made at bar by the learned advocates appearing for the respective parties, they have placed on record affidavit of settlement of dispute duly signed by the respondent No.2 – original complainant, who is present before the Court. The said affidavit is ordered to be taken on record.

8. Since now, the dispute with reference to the impugned F.I.R. is settled and resolved by and between parties which is confirmed by the original complainant through his learned advocate, the trial would be futile and any further continuation of proceedings would amount to abuse of process of law. Therefore, the impugned F.I.R. is required to be quashed and set aside.

9. Resultantly, this application is allowed. Impugned F.I.R. being C.R.No.II-3616 of 2019 registered with 'E' Traffic police station, Ahmedabad as well as all other consequential proceedings arising therefrom, if any, against the present applicant are hereby quashed and set aside. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(S.H.VORA, J)

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