IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 901 of 2020

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AMITBHAI POPATBHAI MAKWANA

Versus

STATE OF GUJARAT

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Appearance:
MR K S CHANDRANI(6674) for the Applicant(s) No. 1,2,3
for the Respondent(s) No. 2
MR MANAN MEHTA, APP (2) for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR.JUSTICE S.H.VORA**

Date : 02/03/2020

ORAL ORDER

1. Learned advocate Mr. Nilay Thakar states that he has instructions to appear for respondent No.2 – complainant. He is permitted to file his Vakalatnama. He has produced affidavit of the complainant, which is ordered to be taken on record.

2. Respondent no.2 – complainant is present before the Court and admits correctness and genuineness of the affidavit filed by her through the learned advocate. Learned advocate Mr.Nilay Thakar identifies respondent no.2 and confirms correctness and genuineness of the affidavit filed by her.

3. Rule. Learned A.P.P. and learned advocate Mr.Nilay Thakar waive service of Rule for respondent Nos.1 and 2 respectively. Learned APP objects quashment of present proceedings on the premise of settlement.

4. With the consent of learned advocate for the applicants 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

applicants pray for quashing and setting aside the order dated 08.02.2019 passed by learned 7th Additional Chief Judicial Magistrate, Rajkot in Criminal Case No.1737 of 2013. arising out of F.I.R. being C.R.No.II-22 of 2013 registered with Mahila Police Station, Rajkot for the offence punishable under Sections 498(A), 323, 504 and 506(2) of IPC and sections 4 and 5 Dowry Prohibition Act.

6. Learned advocate for the applicants 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 – complainant.

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 the 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. The order dated 08.02.2019 passed by learned 7th Additional Chief Judicial Magistrate, Rajkot in Criminal Case No.1737 of 2013 and all other consequential proceedings arising out of said case are hereby quashed and set aside qua the applicants only. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(S.H.VORA, J)

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