IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 4829 of 2020

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YAGNESH BHAGWATIPRASAD MAHETA

Versus

STATE OF GUJARAT

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Appearance:
MR BHUNESH C RUPERA(3896) for the Applicant(s) No. 1
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 : 05/03/2020

ORAL ORDER

1. Learned advocate Mr. Sanket Pandya 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.Sanket Pandya 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.Sanket Pandya 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 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 applicants pray for quashing and setting aside the F.I.R. being C.R.No.I-102 of 2019 registered with Ghatlodia Police Station, Ahmedabad for the offence punishable under Sections 498(A), 323 and 114 of IPC and under sections 3 and 7 of 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 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.I-102 of 2019 registered with Ghatlodia Police Station, Ahmedabad and all other consequential proceedings arising out of said FIR are hereby quashed and set aside qua the applicant only. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(S.H.VORA, J)

SATISH