IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 14576 of 2020
With
R/CRIMINAL MISC.APPLICATION NO. 15817 of 2020
With
R/CRIMINAL MISC.APPLICATION NO. 15819 of 2020
With
R/CRIMINAL MISC.APPLICATION NO. 18549 of 2018

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ASHABEN PANKAJBHAI PATEL & 7 ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance :
MR JV VAGHELA, ADVOCATE for the Applicants
MS NISHA THAKORE, APP for the Respondent STATE
MR RAJ A TRIVEDI, ADVOCATE for the Complainant

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CORAM:**HONOURABLE MR. JUSTICE PARESH UPADHYAY**

Date : 22/12/2020

ORAL ORDER

1. These applications are filed under Section 482 of the Code of Criminal Procedure for quashing and setting aside the FIR being CR-I No.178 of 2018 registered with Nikol Police Station, Ahmedabad City for the offence punishable under Sections 384, 387, 507, 114 and 506(2) of the Indian Penal Code and Sections 5, 42 and 33(1) of the Prevention of Money Laundering Act, 2002.

2. In the FIR, total 10 persons are named as accused. From amongst these 10 accused, 8 accused are before this Court in this group of four applications, being accused No.1, 2, 4, 5, 6, 7, 9 and 10, the details of which are noted here-below.

2.1 (i) Ashaben Pankajbhai Patel & (ii) Ashvinbhai Bhikhabhai Sardhara, who are original accused Nos. 6 & 9 as per FIR, are the applicants in Criminal Misc. Application No.14576 of 2020.

2.2 (i) Ishwarbhai Valjibhai Desai, (ii) Priteshbhai @ Priteshkumar Madhusudan @ Madhusudanbhai Durlabhbhai Palejwala (Darji) & (iii) Pravinbhai Govindbhai Sathvara @ Sathwara, who are original accused Nos. 4, 5 & 7 respectively as per FIR, are the applicants in Criminal Misc. Application No.15817 of 2020.

2.3 (i) Manankumar @ Mananbhai Jivanbhai Kabaria @ Kabariya & (ii) Bhupendrabhai @ Bhupatbhai Dhanjibhai Sangani, who are original accused Nos. 1 & 2 as per FIR, are the applicants in Criminal Misc. Application No.15819 of 2020.

2.4 Jitendrasinh Dajubhai Zala, who is original accused No.10, is the applicant in Criminal Misc. Application No.18549 of 2018.

3. Rule. Learned Additional Public Prosecutor for the State and learned advocate for the complainant waive service of notice of rule on behalf of the respective respondents.

4. Heard learned advocate for the applicants, learned advocate for the complainant and learned Additional Public Prosecutor through Video Conference.

5. At the outset it is noted that, it is jointly submitted by the learned advocates for the contesting parties that the parties have amicably resolved the dispute out of the Court. In support of this, affidavit of settlement of dispute, duly signed by the

respondent No.2 – original complainant and also the victim, is also placed on record. Learned advocate for the complainant has confirmed this factual aspect.

6. Since now, the dispute with reference to the impugned F.I.R. is settled and resolved by and between the parties, qua 8 accused out of total 10 accused, which is confirmed by the learned advocate for the complainant, the trial would be futile, qua them. Therefore, the impugned F.I.R. is required to be quashed and set aside qua these 8 accused, the details of which are noted in Para : 2.1 to 2.4 above.

7. For the reasons recorded above, the following order is passed.

7.1 These applications are allowed.

7.2 The Impugned F.I.R. being CR-I No.178 of 2018 registered with Nikol Police Station, Ahmedabad City and all other consequential proceedings arising out of said FIR are hereby quashed and set aside qua 8 accused, whose details are noted in para:2.1 to 2.4 above.

7.3 Rule is made absolute in above terms.

(PARESH UPADHYAY, J)

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