IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION NO. 6613 of 2020

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KIRTESHKUMAR RAVINDRA @ RAMESHBHAI PATEL
Versus
STATE OF GUJARAT

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Appearance:
VASIMRAJA A KURESHI(8609) for the Applicant(s) No. 1
NOTICE NOT RECD BACK(3) for the Respondent(s) No. 2
MR HARDIK SONI, APP (2) for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE A.G.URAIZEE**
Date : 22/12/2020
ORAL ORDER

1. Heard learned advocates appearing for the respective parties. Learned advocate Mr. Vasimraja A. Kureshi states that the matter is settled between the parties.

2. Rule returnable forthwith. Mr. Hardik Soni, learned APP waives service of notice of rule on behalf of the respondent No.1-State. Mr. Brij Seth, learned advocate waives service of notice of rule on behalf of the respondent No.2 original complainant.

3. Considering the issue involved in the present application and with consent of the learned advocates appearing for the respective parties as well as considering the fact that the dispute amongst the applicant and respondent No.2 has been resolved amicably, this application is taken up for final disposal forthwith.

4. By way of this application under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "the Code"), the applicants have prayed for quashing and setting aside F.I.R. being **C.R.No.11197046200232/2020** registered with Sinor Police Station, Vadodara for the offence punishable under Sections 342, 354, 354A, 506(2) of the Indian Penal Code.

5. Learned advocate for the applicant has taken this Court through the factual matrix of the present application. At the outset, it is submitted that the parties have amicably resolved the issue and therefore, any further continuance of the proceedings pursuant to the impugned FIR as well as any further proceedings arising therefrom would create hardship to the applicant. It is submitted that respondent No.2 has resolved upon intervention of eminent persons of the society. It is further submitted that in view of the fact that the dispute is resolved, the trial would be futile and any further continuance of the proceedings would amount to abuse of process of law. It is therefore submitted that this Court may exercise its inherent powers conferred under Section 482 of the Code and allow the application as prayed for.

6. Mr. Soni, learned APP submits that this court may pass appropriate order in view of the settlement between the parties. He further submits that the settlement between the parties is verified through the Investigating Officer. He submits that the court may pass appropriate order in view of the settlement between the parties.

7. Learned advocate for the respondent No.2 has reiterated the contentions raised by the learned advocate for the applicant. The learned advocate for the applicant and learned advocate for the respondent No.2 have relied upon the affidavit filed by respondent No.2 original complainant dated 11.05.2020 which reads as under:

> *"I DHARABEN W/O KESHAVKUMAR RAMESHBHAI PATEL, Gender-Female, Age-21 Years, Occupation, Job, Residing at – Near Ramji Mandir, Sadhali, Taluka-Sinor, District-Vadodara. Age-33 Years Gender-Male, Business – Photography, Presently Residing at A-1, Mahavir Nagar*

Society, Taluka, Padra, Vadodara.

The Original Complainant (Respondent No.2) in the Complaint, do hereby solemnly affirm and state on oath as under:-

1. I am the Complainant in the Complaint in which present consent quashing petition has been filled and I am fully conversant with facts and circumstances of the case and I am duly competent to file this affidavit.

2. I say that I have gone through the memo of petition and the facts stated in the memo of petition are not disputed by me. At the outset, I say and submit that the disputes and grievances of both the side have been amicably settled and as per settlement we have mutually decided to settle and I do not wish to prosecute the petitioner any further with respect to the FIR No. 11197046200232/2020 dated 01-05-2020 registered before Sinor Police Station, Vadodara Rural for the offences under Sections 342, 354, 354A, 506(2) of IPC.

3. I say and submit that after lodging the impugned F.I.R. I realized that a minor dispute has taken a massive shape After filling impugned F.I.R. I realized the nature of hardship and inconvenience, socially and mentally, it will cause to both the sides, if the criminal proceedings continue and both side are subject to rig our of criminal trial, it will immensely affect our future prospects of better life. It is also stated that we are relatives to each other and the misconceptions occurred between us are now settled.

4. In the facts and circumstances as narrated above, I at my free will, wish, desire am stating on oath that I do not wish the present applicant to prosecute the criminal proceeding against the petitioners as dispute among us have been amicably settled, I state that complaint filed by me being F.I.R. No.11197046200232/2020 dated 01-05-2020 registered before Sinor Police Station, Vadodara Rural for the offences under Sections 342, 354, 354A, 506(2) of IPC. And the said complaint may kindly quashed in the interest of justice against

present applicant.

What is stated hereinabove is true to the best of my personal knowledge, information and belief and I believe the same to be true and correct."

8. Considering the peculiar facts, I am of the view that no fruitful purpose would be served and the trial against the applicants would be a futile exercise. Hence, in my view the FIR is required to be quashed.

9. Resultantly, this application is allowed and the impugned FIR being **C.R.No.11197046200232/2020** registered with Sinor Police Station, Vadodara filed against the present applicant is hereby quashed and set aside. Consequently, all other proceedings arising out of the aforesaid FIR are also quashed and set aside. Rule is made absolute.

10. Registry is also directed to serve the copy of this order via e-mail to the concerned authority

(A.G.URAIZEE, J)

NAIR SMITA V./MANOJ