IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 17089 of 2020
With
R/CRIMINAL MISC.APPLICATION NO. 17102 of 2020

==========

NAVEDKHAN NASIRKHAN PATHAN (IN FIR - NAVEDKHA NARISKHA PATHAN)

Versus

STATE OF GUJARAT

==========

Appearance:
MR ANKUR Y OZA(2821) for the Applicant(s) No. 1,10,11,12,13,2,3,4,5,6,7,8,9
MR SHAIVAL M PATEL(9950) for the Respondent(s) No. 2
MR MANAN MEHTA, APP (2) for the Respondent(s) No. 1

==========

CORAM: **HONOURABLE MR. JUSTICE BHARGAV D. KARIA**

LOK ADALAT

Date : 12/12/2020
ORAL ORDER

1. Heard learned advocate Mr. Ankur Y. Oza for the applicants in Criminal Misc. Application No.17089 of 2020 , learned advocate Mr. Shaival M. Patel for the applicants in Criminal Misc. Application No.17102 of 2020 and learned Additional Public Prosecutor Mr. Manan Mehta for the respondent-State in the respective applications through video conference.

2. Learned advocate Mr. Ankur Oza appearing for the applicants in Criminal Misc. Application No.17089 of 2020 submitted that there are cross complaints filed by the parties. He submitted that Criminal Misc. Application No.17089 of 2020 is filed for quashing of FIR being CR-I No.35 of 2019 dated 17th August,

2019 registered before Palej police station, District Bharuch against the applicants for the offences punishable under Sections 323, 324, 143, 144, 147, 148, 149 and 504 of the Indian Penal Code read with Section 135 of the Gujarat Police Act, which has culminated in Criminal Case no.8788/2019.

3. On the other hand, learned advocate Mr.Shaival Patel appearing for the applicants in Criminal Misc. Application No.17102 of 2020 submitted that cross complaint is filed being CR-I No.34 of 2019 dated 16th August, 2019 registered before Palej police station, District Bharuch against the applicants for the offences punishable under Sections 307, 324,325, 504, 143, 144, 147, 148, 149 and 120-B of the Indian Penal Code read with Section 135 of the Gujarat Police Act, which has culminated in Criminal Case no.570/2020.

4. Both the learned advocates submitted that the matter is settled between the parties amicably outside the Court and the respective parties have filed the affidavit stating the fact of settlement being arrived at between the parties outside the Court, which is taken on record.

5. Rule returnable forthwith. Learned advocate Mr. Shaival Patel waives service of notice of rule on behalf of the respondent no.2 in Criminal Misc. Application No. 17089/2020 and learned advocate Mr. Akur Oza waives service of notice of rule on behalf of the respondent no.2 in Criminal Misc. Application No. 17102/2020 and learned Additional Public Prosecutor Mr. Manan Mehta waives service of notice

of rule on behalf of respondent-State in the respective petitions.

6. Learned advocates for the respective applicants have produced on record copy of affidavits sworn by the respective original complainants – respondent no. 2 in the respective applications stating that there is a settlement arrived at between the parties. Original complainants in respective applications are present in person for video conference hearing and confirms the genuineness and correctness of such affidavit.

7. Learned Additional Public Prosecutor objects quashing of present proceedings on the premise of settlement.

8. With the consent of learned advocates appearing on both sides, present application is taken up for final disposal today.

9. Learned advocates for the applicants have taken this Court through the factual matrix arising out of the present applications. It was submitted that settlement has been arrived between the parties.

10. 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 the affidavits of the respective respondent No.2 in the applications stating that the matter has been amicably settled between the parties.

11. 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 respective original complainants through their learned advocates, 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.s are required to be quashed and set aside.

12. Resultantly, these applications are allowed. Impugned FIR being CR-I No.35 of 2019 dated 17th August, 2019 and impugned FIR being CR-I No.34 of 2019 dated 16th August, 2019, both registered before Palej police station, District Bharuch and all other consequential proceedings arising out of said F.I.R.s are hereby quashed and set aside.

13. Rule is made absolute in respective applications to the aforesaid extent.

14. The Registry is directed to communicate this order to the concerned Court/authority by Fax or Email.

(BHARGAV D. KARIA, J)
CHAIR PERSON

RAGHUNATH R NAIR