IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION NO. 19396 of 2020

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INDRAJITSINH MADHUBHAI RANA
Versus
STATE OF GUJARAT

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Appearance:
MR VICKY B MEHTA(5422) for the Applicant(s) No. 1,2
MS JIRGA JHAVERI, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE R.P.DHOLARIA**
Date : 21/12/2020
ORAL ORDER

[1] Learned advocate for the applicants states that the matter has already been settled between the parties outside the Court.

[2] Learned advocate Ms.Palak Jadeja states that she has an instructions to appear on behalf of the original complainant-respondent No.2. She is permitted to file her appearance forthwith. Registry to accept her Vakalatnama. She further states that she has already filed settlement affidavit duly sworn by the original complainant which is at Annexure-B confirming the same.

[3] Rule. Learned Additional Public Prosecutor as well as learned advocate appearing for the Complainant waive service of Rule on behalf of the respective respondents.

[4] 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 applicants and respondent No.2 has been resolved amicably, this application is taken up for final disposal forthwith.

[5] 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. bearing C.R.No.11191030200058 of 2020 registered with Mahila East Police Station, Ahmedabad City and quash all other consequential proceedings arising out of the aforesaid FIR qua the applicants.

[6] Learned advocate for the applicants has taken this Court through the factual matrix arising out 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 applicants. It is submitted that respondent No.2 has filed an affidavit in these proceedings and has declared that the dispute between the applicants and respondent No.2 is resolved due to intervention of trusted 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.

[7] Learned Additional Public Prosecutor appearing for the State has opposed the present application and submitted that considering the seriousness of the offence, the complaint in question may not be quashed and the present application may be rejected.

[8] Learned advocate for respondent No.2 has reiterated the contentions raised by the learned advocate for the applicant. The learned advocate for respondent No.2 also

relied upon the affidavit filed by respondent No.2-original complainant- Sangitaben. The complainant states that the matter is settled between the parties and also admits the contents of the Affidavit. Respondent No.2 is present in person in the chamber of learned advocate for the respondent No.2 and is identified by learned advocate for respondent. It is therefore submitted that the present application may be allowed.

[9] Having heard learned advocates appearing for the respective parties, considering the facts and circumstances arising out of the present application as well as taking into consideration the decisions rendered in the cases of **Gian Singh Vs. State of Punjab & Anr., reported in (2012) 10 SCC 303, Madan Mohan Abbot Vs. State of Punjab, reported in (2008) 4 SCC 582, Nikhil Merchant Vs. Central Bureau of Investigation & Anr., reported in 2009 (1) GLH 31, Manoj Sharma Vs. State & Ors., reported in 2009 (1) GLH 190 and Narinder Singh & Ors. Vs. State of Punjab & Anr. reported in 2014 (2) Crime 67 (SC),** it appears that further continuation of criminal proceedings in relation to the impugned FIR against the applicants would be unnecessary harassment to the applicants. It appears that the trial would be futile and further continuance of the proceedings pursuant to the impugned FIR would amount to abuse of process of law and hence, to secure the ends of justice, the impugned FIR is required to be quashed and set aside in exercise of powers conferred under Section 482 of the Code.

[10] Resultantly, this application is allowed and the impugned FIR bearing C.R.No.11191030200058 of 2020

registered with Mahila East Police Station, Ahmedabad City filed against the present applicants is hereby quashed and set aside qua the applicants and all other proceedings arising out of the aforesaid FIR are also quashed and set aside qua the applicants. Rule is made absolute.

[11] Registry is directed to send writ of this order to the concerned authority/trial Court forthwith through fax or email.

(R.P.DHOLARIA, J)

MOHMMEDSHAHID