

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 2282 of 2021**

MAITRI NIMESHBHAI MODI

Versus

MEGHABEN D/O PRAKASHBHAI VELJIBHAI RAICHURA & ANR.

Appearance:

MR YN RAVANI(718) for the Applicant(s) No. 1

MALAV M MULANI(8844) for the Respondent(s) No. 1

MS ZEEL RAVAL, for the Respondent No.1-original complainant

MS JYOTI BHATT, APP for the Respondent(s) No. 2

**CORAM: HONOURABLE MR. JUSTICE CHEEKATI
MANAVENDRANATH ROY****Date : 12/03/2024****ORAL ORDER**

1. This Special Criminal Application under Section 482 of the Code of Criminal Procedure, 1973 is filed for quash of the FIR being C.R. No.I-121 of 2019 registered with Anandnagar Police Station, District Ahmedabad for the offences punishable under Sections 376(2)(n), 506 and 114 of the Indian Penal Code, 1860 against the petitioner and other accused.

2. Heard learned advocate Mr.Y.N.Ravani for the petitioner, learned advocate Ms.Zeel Raval for the respondent-*de facto*-complainant and learned Additional Public Prosecutor Ms.Jyoti Bhatt for the respondent-State.

3. Facts of the prosecution case may briefly be stated as follows:-

3.1 The respondent-*de facto*-complainant lodged a report with the police stating that she and accused no.3 were in love with each other and accused no.3 promised to marry her and thereby, induced to have sexual

intercourse with him and thereafter, he resiled from his promise to marry her. It is stated that accused nos.1 and 2, who are the mother and sister of accused no.3, abetted him in commission of the said offence against the *de facto*-complainant. It is further stated that accused no.3 has now proposed to marry the accused no.4, who is residing in Canada and that when the *de facto*-complainant contacted accused no.4 over phone that accused no.4 has abused her. The said report was registered as a crime for the aforesaid offences.

4. Accused nos.1 to 3 have filed a separate petition under Section 482 of Cr.P.C. being Special Criminal Application No.2282 of 2021 for quash of the said FIR registered against them. During the pendency of the said petition before this Court, both the parties i.e. accused nos.1 to 3 and the *de facto*-complainant have entered into compromise and settled the dispute between them amicably. Therefore, the *de facto*-complainant has also filed an affidavit in the said petition before this Court stating that the dispute was amicably settled between them and that she has no objection to quash the FIR registered against accused nos.1 to 3. Considering the said affidavit filed by the *de facto*-complainant and in view of the law laid down by the Apex Court in the case of Gian Singh vs State of Punjab & Anr, (2012) 10 SCC 303 and other judgments, this Court has quashed the said FIR against accused nos.1 to 3 as per the order dated 31.03.2023. A copy of the said order dated 31.03.2023 is now produced by the petitioner and the same is taken on record.

5. It is evident from the perusal of the said order dated 31.03.2023 that the FIR registered against accused nos.1 to 3 was quashed on account of the compromise arrived at between the *de facto*-complainant and

accused nos.1 to 3. Therefore, the FIR and the criminal proceedings launched against the principal offender, who is accused no.3, who has committed the said offence punishable under Section 376(2)(n) itself was quashed. The allegation against the present petitioner, who is accused no.4, is only under Section 506 of IPC. No case is made out against her for the offence punishable under Section 506 of IPC also. So, when the principal offender was already let off by way of quashing of the FIR registered against him, the petitioner herein, who is accused no.4, is also entitled for quash of the FIR.

6. Resultantly, the petition is allowed. The aforesaid FIR registered against the petitioner, who is accused no.4, is also quashed. Rule is made absolute.

(CHEEKATI MANAVENDRANATH ROY, J)

ABHISHEK