IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC. APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER) NO. 3122 of 2022
With
CRIMINAL MISC. APPLICATION (FIXING DATE OF EARLY HEARING) NO. 1 of 2024
In R/CRIMINAL MISC. APPLICATION NO. 3122 of 2022

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PARAS DWARKADAS PATEL (disposed of qua applicant No 1 as per Hon'ble Court order dt.9/3/22 & ANR.

Versus

STATE OF GUJARAT & ANR.

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Appearance:
DELETED for the Applicant(s) No. 1
MR PRATIK B BAROT(3711) for the Applicant(s) No. 2
NOTICE SERVED for the Respondent(s) No. 2
MS. CHETNA M. SHAH, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE ILESH J. VORA**

Date : 23/02/2024

ORAL ORDER

***Order in Cr.M.A no.1 of 2024* : -**

The present application is filed for fixing the early date of hearing of the main matter i.e. Criminal Misc. Application no.3122 of 2022.

Heard learned advocates for the parties.

The main matter i.e. Criminal Misc. Application no.3122 of 2022 is ordered to be listed today itself. The present application stands ***disposed of***.

***Order in Cr.M.A no.3122 of 2022* : -**

1. By way of this application under Section 482 of the Code

of Criminal Procedure, 1973 (hereinafter referred to as ”the Code”), the applicant has prayed for quashing and setting aside the ***F.I.R. beaing Part-A C.R.No. 11191045201654 of 2020 registered with Sola High Court Police Station, Dist.- Ahmedabad for the offences punishable under Sections 498A, 323, 294(b) of IPC*** *and* ***the charge-sheet and proceedings under Sections 3 and 4 of the Dowry Prohibition Act in nature of Criminal Case no.11370 of 2021 pending before the Chief Judicial Magistrate, Mirzapur, Ahmedabad*** and all other consequential proceedings arising out of the aforesaid FIR qua the applicant.

2. Heard learned advocate for the applicant and learned advocate for the respondent no.2 – complainant.

3. Both the learned advocates would submit that during the pendency of present petition, the matter is amicably settled amongst the parties and therefore, any further continuation of the proceedings pursuant to the impugned FIR would create hardship to the parties and further continuation of the proceedings would amount to abuse of process of law.

4. Learned APP has opposed the application and submitted that looking to averments made in the FIR, complaint may not be quashed.

5. The complainant – respondent No. 2 has filed affidavit stating *inter-alia* the fact that the matter is amicably settled with the applicant. The private respondent no.2 has confirmed the fact of settlement and contents of the affidavit in support of the petition.

6. Having heard the learned counsel for the parties and considering the facts of settlement and law laid down by the Apex Court ***[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),]*** this Court is of the considered view that further continuation of the criminal proceedings in relation to the impugned FIR would nothing but unnecessary harassment to the parties and trial thereon would be futile and further continuation of the proceedings would amount to abuse of process of law. Thus, 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.

7. Resultantly, this application is allowed and the impugned F.I.R. ***beaing Part-A C.R.No. 11191045201654 of 2020 registered with Sola High Court Police Station, Dist.-Ahmedabad*** filed against present applicant is hereby quashed and set aside and all other proceedings arising out of the aforesaid FIR are also quashed and set aside. ***Direct service permitted***.

(ILESH J. VORA, J.)

AMAR RATHOD...