

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 3589 of 2024**

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PARAG RAMESHCHANDRA NIMAVAT

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR PREMAL S RACHH(3297) for the Applicant(s) No. 1

MR FENIL BATHIYA, for the Respondent(s) No. 2

MR HARDIK MEHTA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR****Date : 22/02/2024****ORAL ORDER**

1. Learned advocate Mr. Fenil Bathiya, states that he has instructions to appear on behalf of the original complainant and thereby, seeks permission to file his Vakalatnama, which is granted.

2. **RULE.** Learned advocates waive service of note of rule on behalf of the respective respondents.

3. Considering the facts and circumstances of the case and since it is jointly stated at the bar by learned advocates on both the sides that the dispute between the parties has been resolved amicably, this matter 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 "Cr.P.C."), the applicant has prayed to quash and set aside the complaint being **FIR No.I-84/2019 registered with 'C' Division Police Station, Junagadh**, for the offences under Sections 354(A), 365, 323, 504 and 506(2) of Indian Penal Code, 1860 and all the consequential proceedings arising therefrom.

5. It is alleged in the FIR that, prior to one and half years of the incident, there was affair with the applicant and complainant and then the complainant did not continue the said relationship. Hence, by keeping that grudge, the applicant abducted the complainant in a car and administered the threats. In this regard, FIR came to be filed.

6. Learned advocates for the respective parties submitted that during the pendency of proceedings, the parties have settled the dispute amicably and pursuant to such mutual settlement, the original complainant has also filed an Affidavit, which is taken / placed on record. In the Affidavit, the original complainant has categorically stated that the dispute with the applicant/s has been resolved amicably and that he has no objection, if the present proceedings are quashed and set aside since there is no surviving grievance between them.

7. Having heard learned advocates on both the sides and considering the facts and circumstances of the case as also the principle laid down by the Apex Court in the cases of **(i) Gian Singh Vs. State of Punjab & Anr.**, reported in **(2012) 10 SCC 303**, **(ii) Madan Mohan Abbot Vs. State of Punjab**, reported in **(2008) 4 SCC 582**, **(iii) Nikhil Merchant Vs. Central Bureau of Investigation & Anr.**, reported in **2009 (1) GLH 31**, **(iv) Manoj Sharma Vs. State & Ors.**, reported in **2009 (1) GLH 190** and **(v) Narinder Singh & Ors. Vs. State of Punjab & Anr.** reported in **2014 (2) Crime 67 (SC)** and **(vi) Mohammad Wajid and Anr. v. State of U.P. and Ors. reported in 2023 LiveLaw (SC) 624: 2023 INSC 683**, in the opinion of this Court, the further continuation of criminal proceedings against the applicant/s in relation to the impugned FIR would cause unnecessary harassment

to the applicant/s. Further, the continuance of trial pursuant to the mutual settlement arrived at between the parties would be a futile exercise. Hence, to secure the ends of justice, it would be appropriate to quash and set aside the impugned FIR and all consequential proceedings initiated in pursuance thereof under Section 482 of the Cr.P.C. Perusing the record, it appears that so far as Section 354A and 323 of the Indian Penal Code, 1860 are concerned, it appears that the complainant was detained in a car and then due to police came, they were taken to police station and no any injury is caused.

8. In the result, the application is **allowed**. The impugned complaint being **FIR No.I-84/2019 registered with 'C' Division Police Station, Junagadh** as well as all consequential proceedings initiated in pursuance thereof are hereby quashed and set aside qua the applicant herein. If the applicant is in jail, the jail authority concerned is directed to release the applicant forthwith, if not required in connection with any other case.

Rule is made absolute. Direct service is permitted.

(HASMUKH D. SUTHAR,J)

SUCHIT