IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER) NO. 4866 of 2020

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RENU LALIT AGARWAL

Versus

STATE OF GUJARAT

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Appearance:
MR SS ACHARYA(3272) for the Applicant(s) No. 1,2,3,4,5
MR VEDANT GAIKWAD for the Respondent(s) No. 2
MS MAITHILI MEHTA APP for the Respondent(s) No. 1

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

Date : 17/01/2024

ORAL ORDER

1. Heard Mr. S.S. Acharya, learned counsel for the applicants, Ms. Maithili Mehta, learned APP for the respondent State and Mr. Vedant Gaikwad, learned counsel for respondent No.2 – original complainant, who has instructions to appear for and on behalf of original complainant.

2. Learned counsel for the parties have placed on record the compromise agreement as well as settlement affidavit. Same are taken on record.

3. **Rule**. Learned advocates appearing for the respective respondents 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 matter 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 **FIR being C.R.No. 11210023200200 of 2020 registered with Khatodara Police Station, Dist. Surat, for the offences punishable under Sections 406, 420, 409, 120B of IPC** as well as all other consequential proceedings arising out of the aforesaid FIR qua the applicants herein.

6. Learned counsel for the respective parties submitted that during pendency of the criminal proceedings, as referred to above, the parties have amicably settled their differences by way of mutual settlement and pursuant to understanding arrived at between them, the Respondent has accordingly filed an affidavit dated **16.01.2024** which is taken on record. The complainant has categorically stated in the affidavit that the dispute is resolved between the parties and the complainant has no objections if the present proceedings are quashed and there is no surviving

grievance between them.

7. Having heard the learned counsel for the respective parties, considering the facts and circumstances arising out of the present applications 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 Court and hence, to secure the ends of justice, the impugned FIR and other consequential proceedings are required to be quashed and set aside in exercise of powers conferred under Section 482 of the Code.

8. Resultantly, this application is allowed. The impugned **being C.R.No. 11210023200200 of 2020 registered**

with Khatodara Police Station, Dist. Surat, filed against the present applicants is hereby quashed and set aside. Consequently, all other proceedings arising out of the aforesaid FIR are also quashed and set aside. Accordingly, Rule is made absolute. Direct service is permitted.

(ILESH J. VORA,J)

P.S. JOSHI