IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 2746 of 2020
With
R/SPECIAL CRIMINAL APPLICATION NO. 2975 of 2020

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JAGDISH LALCHAND TEKWANI & ANR.
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR NM KAPADIA(394) for the Applicant(s) No. 1,2
MANAN V PATEL(8059) for the Respondent(s) No. 2
MS CM SHAH, APP for the Respondent(s) No. 1

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

Date : 16/04/2024

COMMON ORAL ORDER

Order in Special Criminal Application No.2746 of 2020

1. Heard Mr. N.M. Kapadia, learned counsel for the applicants, Ms. C.M. Shah, learned APP for the respondent State and Mr. Manan V. Patel, learned counsel for respondent No.2 – original complainant.

2. 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.

3. 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.11191040200607 of 2020 registered with Sardarnagar Police Station, Dist: Ahmedabad City,** for the offences as mentioned in the FIR as well as other consequential proceedings arising thereto.

4. Learned counsel for the respective parties submitted that during pendency of the criminal proceedings, as referred to above, the parties have amicably settled their issue by way of mutual settlement and pursuant to understanding arrived at between them, the Respondent No.2 has accordingly filed an affidavit, which is ordered to be taken on record. The complainant has categorically stated in the affidavit that the dispute is resolved between them and he has no objections if the present proceedings are quashed and there is no surviving grievance between them.

5. 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.

6. Resultantly, this application is allowed. The impugned FIR being **C.R. No.11191040200607 of 2020 registered with Sardarnagar Police Station, Dist: Ahmedabad City** as well as other consequential proceedings are hereby quashed and set aside qua the applicants herein. Accordingly, Rule is made absolute. Direct service is permitted.

Order in Special Criminal Application No.2975 of 2020

1. Heard Mr. N.M. Kapadia, learned counsel for the applicants, Ms. C.M. Shah, learned APP for the respondent State and Mr. Manan V. Patel, learned counsel for respondent No.2 – original complainant.

2. 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.

3. 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.11191046200127 of 2020 registered with Airport Police Station, Dist: Ahmedabad City,** for the offences as mentioned in the FIR as well as other consequential proceedings arising thereto.

4. Learned counsel for the respective parties submitted that during pendency of the criminal proceedings, as referred to above, the parties have amicably settled their issue by way of mutual settlement and pursuant to understanding arrived at between them, the Respondent No.2 has accordingly filed an affidavit, which is ordered to be taken on record. The complainant has categorically stated in the affidavit that the dispute is resolved between them and he has no objections if the present proceedings are quashed and there is no surviving grievance between them.

5. 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.

6. Resultantly, this application is allowed. The impugned **FIR being C.R. No.11191046200127 of 2020 registered with Airport Police Station, Dist: Ahmedabad City** as well as other consequential proceedings are hereby quashed and set aside qua the applicants herein. Accordingly, Rule is made absolute. Direct service is permitted.

(ILESH J. VORA,J)

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