IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER) NO. 18695 of 2017

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PRAMODKUMAR RADHESHYAM JANI & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:
CHIRAG A PRAJAPATI(8468) for the Applicant(s) No. 2,3,4,5
DELETED for the Applicant(s) No. 1
MR VISHWAS K SHAH(5364) for the Respondent(s) No. 2
MR DHAVAN JAISWAL APP for the Respondent(s) No. 1
URVESH K GOR(7448) for the Respondent(s) No. 2

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CORAM:**HONOURABLE MR. JUSTICE J. C. DOSHI**

Date : 02/05/2024

ORAL ORDER

1. Heard learned advocate Mr.Chirag Prajapati for the petitioner and learned APP Mr.Jaiswala for the respondent State and learned Advocate Ms.Dhwani Y Chandarana for the org. complainant who is replaced by learned advocate Mr.Vishwas K Shah for respondent no.2.

2. Petitioner and Respondent No.2- original complainant are present before the Court and have been identified by their respective advocates. Both of them have jointly stated before the Court that they are living together happily since last two years.

3. 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 petitioner and respondent - original complainant

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 "the Code"), the petitioner has prayed for quashing and setting aside FIR being C.R.No.53 of 2017 registered with Naroda Police Station for the offences punishable under Sections 498(A), 323, 506(2) 114 of the IPC and u/s 3 & 4 of the Prevention of Dowry Act as well as all other consequential proceedings arising out of the aforesaid FIR qua the petitioner herein.

5. 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 they are now living together. Respondent no.2 has filed affidavit that she is now living with her husband since last two years and issue is settled between them and nothing remains to be prosecuted. The relevant paragraphs of affidavit filed by respondent no.2 reads thus:

> *"1. I Sonalben W/o Pramodkumar Jani, original complainant in the impugned FIR and that I am well conversant with the facts of the case and I have gone through the entire contents of the present application, I am competent to file the present affidavit.*
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> *2. That I had filed CR. 153/2017 before the Naroda Police Station, Ahmedabad City for commission of alleged offence punishable under Sections 498-A, 323, 506(2) and 114 of the Indian Penal Code and Sections 3, 4 of the Dowry Act on 10.2.2017 against the applicants herein.*
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> *3. In the present case, the FIR was lodged in hot haste. However, with intervention of relatives, common friends therefore, full and final amicable settlement has taken place between the complainant and the applicants in the interest of justice.*

4 In the present case, I already started residing with my husband and child since last two years. I further states that, I am happily leaving into my in-laws house without any hesitate.

5. That therefore the deponent Sonalben W/o Pramodkumar Jani (herein respondent no.2) original complainant does not intend to prosecute with the case any further and I intends to states that, I have no objection if the FIR being registered as CR. 1-53/2017 before the Naroda Police Station, Ahmedabad City and as well as Criminal Case No. 27389 of 2017 pending before the Court No.18, Additional Metropolitan Magistrate Court, Ahmedabad be quashed and set aside in the interest of justice.

6. That the contents of the application have been read over and explained to me in detailed and I say that the contents of the application absolutely true and is supported the same.

7. I, therefore, pray that if FIR being CR. 153/2017 on 10.2.2027 registered before the Naroda Police Station, Ahmedabad City for commission of alleged offences punishable under Sections 498-A, 323, 506 (2) and 114 of the Indian Penal Code, Sections 3, 4 of the Dowry Act and Criminal Case No. 27389 of 2017 pending before the Court No.18, Additional Metropolitan Magistrate Court, Ahmedabad and also subsequent proceeding if quashed and set aside against present applicants then the I (respondent No.2 -original complainant) have no objection. That I gives a free consent to quashment of the aforesaid FIR and I have also no objection if the prayer made in the present application may be granted by this Hon'ble Court."

6. 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)** as well as **State of Haryana Vs. Bhajanlal reported in AIR 1992 SC 604**, it appears

that further continuation of criminal proceedings in relation to the impugned FIR against the petitioner would be unnecessary harassment to the applicant. 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.

7. Resultantly, this application is allowed. The impugned FIR being C.R.No.53 of 2017 registered with Naroda Police Station filed against the present petitioners 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.

8. Before parting with the order, it is required to be noted that since the husband – petitioner no.1 has withdrawn this application, liberty is granted to him to file a discharge application before the learned trial Court whereby the learned trial Court shall consider that the respondent no.2-lady has compromised the dispute and now they are living together happily. Thus, after following due procedure, the learned trial Court shall decide the discharge application within 10 days from the date of it being filed and shall consider the present order while deciding such discharge application.

(J. C. DOSHI,J)

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