IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER) NO. 3283 of 2019

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RUCHITA SUNILKUMAR UPADHYAY

Versus

STATE OF GUJARAT & ANR.

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Appearance:
MR RUTURAJ NANAVATI(5624) for the Applicant(s) No. 1
MR MANAN MAHETA, APP for the Respondent(s) No. 1
HCLS COMMITTEE(4998) for the Respondent(s) No. 2
MR PATHIK M ACHARYA(3520) for the Respondent(s) No. 2

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CORAM:**HONOURABLE MR. JUSTICE VIMAL K. VYAS**

Date : 08/12/2025

ORAL ORDER

1. RULE returnable forthwith. Learned APP Mr.Manan Maheta waives service of notice of rule for and on behalf of the respondent no. 1 – State and learned advocate Mr.Pathik Acharya waives service of notice of rule for and on behalf of the respondent no.2 – original complainant.

2. By way of preferring the present application under Section 482 of the Code of Criminal Procedure, 1973, the applicant-accused, who is the sister-in-law of the

complainant, seeks to invoke the inherent powers of this Court, praying to quash and set-aside the FIR being I-CR No.3 of 2019 lodged before the Mahila Police Station, Ahmedabad (Rural), for the offences punishable under Sections 498A, 323 and 114 of the Indian Penal Code as well as under Sections 3 and 4 of the Dowry Prohibition Act.

3. Heard learned advocate Mr.Ruturaj Nanavati appearing for the applicant-accused, learned APP Mr.Manan Maheta appearing for the respondent no.1 – State and learned advocate Mr.Pathik Acharya appearing for the respondent no.2 – original complainant.

4. Learned advocate Mr.Nanavati appearing for the present applicant-accused has submitted that the FIR lodged by the victim/complainant is palpably false. There is not an iota of evidence to implicate the present applicant-accused herein with the alleged offence. He has further submitted that the present applicant-accused has been

residing separately in Dubai much prior to the alleged incident, and the only allegation levelled against her is that she was favouring her brother. Learned advocate has, therefore, submitted that the victim/complainant has made vague, omnibus and general allegations against the applicant-accused, and no specific role has been attributed to the present applicant-accused.

5. Learned advocate Mr.Nanavati has submitted that the impugned FIR, even if it is taken at its face value, could not even establish the offence as alleged in the FIR. He has, therefore, urged that considering the above, the present application may be allowed and the impugned FIR may be quashed and set-aside qua the present applicant-accused.

6. Learned APP Mr.Manan Maheta appearing for the respondent – State has vehemently opposed the present application and has submitted that having regard to the gravamen and seriousness of the offence committed by the

present applicants-accused, the present application may not be entertained and the same may be rejected.

7. Learned advocate Mr.Pathik Acharya appearing for the victim/complainant, at the outset, has submitted that the matter has been settled between the parties. He has further submitted that even the accused-husband, father-in-law and mother-in-law have been acquitted by the learned 3rd Additional Chief Judicial Magistrate, Court No.11, Ahmedabad city, *vide* order dated 10.10.2025 passed in Criminal Case No.49073 of 2019, since the complainant has not supported the case of the prosecution as the matter was settled between the parties. He has, therefore, prayed that considering the same, this Court may pass an appropriate order.

8. On plain reading of the FIR, it appears that the applicant-accused, who is the sister-in-law of the victim/complainant, has been residing separately in Dubai

much prior to the incident, and the only allegation levelled against her is that she was favouring her brother (i.e. the accused-husband of the victim/complainant, who is also acquitted). It further appears from the FIR that the allegations made by the complainant in the FIR are vague, omnibus and general in nature and no specific role has been attributed to the present applicant-accused.

9. Having heard learned advocates appearing for the respective parties and having considered the arguments canvassed by them as well as taking into consideration the fact that the matter has been settled between the parties and even the accused-husband, the father-in-law and mother-in-law have been acquitted by the trial court as the complainant has not supported the case of the prosecution, it appears that continuing further with the proceedings pursuant to the impugned FIR would be a futile exercise and the same would amount to abuse of process of law. Further, the same would put the parties to unnecessary harassment/ hardships. Therefore, this Court is of the

considered opinion that the matter requires consideration. Hence, to secure the ends of justice, the impugned FIR is required to be quashed and set-aside in exercise of the powers conferred under Section 482 of the Code of Criminal Procedure, 1973.

10. This Court has also gone through the recent pronouncement of the Supreme Court in the case of ***Shobhit Kumar Mittal vs. State of Uttar Pradesh and another***, reported in *2025 INSC 1152*.

11. In the result, the application is allowed. The the FIR being I-CR No.3 of 2019 lodged before the Mahila Police Station, Ahmedabad (Rural), for the offences punishable under Sections 498A, 323 and 114 of the Indian Penal Code as well as under Sections 3 and 4 of the Dowry Prohibition Act, is hereby ordered to be quashed and set-aside qua the present applicant-accused. All other consequential proceedings arising pursuant thereto are also quashed and

set-aside.

12. Rule made absolute. Direct service is permitted.

(VIMAL K. VYAS, J.)

/MOINUDDIN

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MOINUDDIN ABDULLAH SAIYED(HC00172), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 09/12/2025 18:48:52