

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 11083 of 2025**

=====

JAGDISHBHAI RUMALBHAI PARMAR
Versus
STATE OF GUJARAT & ANR.

=====

Appearance:

MR YUNUS U MALEK(5343) for the Applicant(s) No. 1
MR DR ROHIT, DS AFF.NOT FILED (N) for the Respondent(s) No. 2
MR RONAK RAVAL, PUBLIC PROSECUTOR for the Respondent(s) No. 1

=====

CORAM: **HONOURABLE MR. JUSTICE NIRZAR S. DESAI**

Date : 18/06/2025

ORAL ORDER

1. Heard, the learned advocates appearing for the respective parties.

1.1 Learned advocate, Mr. Rohit, states that he appears for Respondent No.2 - the original complainant. He is permitted to file appearance.

2. **Rule.** Learned Additional Public Prosecutor as well as learned advocate appearing for the Complainant waive service of rule on behalf of the respective respondents.

3. Considering the issue involved in the present application and with the consent of the learned advocates appearing for the respective parties as well as considering the fact that the dispute between the applicant and respondent No.2 has been resolved amicably, this application is taken-up for final disposal, forthwith.

4. By way of this application under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS"), the applicant has prayed for quashing and setting

aside the impugned order dated 24.04.2024, passed in Criminal Case No. 33310 of 2021, by the learned 11th Additional Chief Judicial Magistrate, Vadodara, as well as all other consequential proceedings arising out of the aforesaid order, qua the applicant.

5. Learned advocate for the applicant, at the outset, stated that the applicant is ready and willing to deposit Rs.30,000/-, towards costs. He also has taken this Court through the factual matrix arising out of the present application. It is submitted that the parties have amicably resolved the dispute and therefore, any further continuance of the proceedings pursuant to the impugned order as well as any further proceedings arising therefrom would create hardship to the applicant. It is submitted that respondent No.2 has filed an affidavit in these proceedings and has declared that the dispute between the applicant and respondent No.2 is resolved due to intervention of trusted persons of the society. It is further submitted that in view of the fact that the dispute is resolved, the trial would be futile and any further continuance of the proceedings would amount to abuse of process of law. It is therefore submitted that this Court may exercise its inherent powers conferred under Section 528 of the BNSS and allow the application as prayed for.

6. Learned Additional Public Prosecutor appearing for the State has opposed the present application and submitted that considering the seriousness of the offence, the complaint in question may not be quashed and the present application may be rejected.

7. Learned advocate for respondent No.2 has reiterated

the contentions raised by the learned advocate for the applicant. The learned advocate for respondent No.2 also relied upon the affidavit dated 18.06.2025 filed by one Mr. Ashwin Shrikant Patole on behalf of respondent No.2, which is produced separately. The authorized officer of Respondent No.2 is present in person before the Court and is duly identified by learned advocate for respondent No.2. On inquiry made by the Court, the authorized officer for respondent No.2 has declared before this Court that the dispute between the applicant and respondent No.2 is resolved due to intervention of trusted persons of the society and therefore, now the grievance stands redressed. It is therefore submitted that the present application may be allowed.

8. Having heard the learned advocates appearing for the respective parties, considering the facts and circumstances arising out of the present application as well as taking into consideration the decisions rendered by the Hon'ble Supreme Court 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 order against the applicant would be unnecessary harassment to the applicant. I have also considered the latest decision of the Hon'ble Supreme Court in the case of '**Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others v. State of Gujarat**',

Criminal Appeal No.1723 of 2017, dated 4.10.2017 and the guidelines issued by the Hon'ble Supreme Court in the said decision, particularly Paragraph-15, thereof. Considering the nature of disputes between the parties which are all private in nature, I am of the opinion that the matter requires consideration. It appears that the trial would be futile and further continuance of the proceedings pursuant to the impugned order would amount to abuse of process of law and hence, to secure the ends of justice, the impugned order is required to be quashed and set aside in exercise of powers conferred under Section 528 of the BNSS.

9. Resultantly, this application is **ALLOWED** and the impugned order dated 24.04.2024, passed in Criminal Case No. 33310 of 2021, by the learned 11th Additional Chief Judicial Magistrate, Vadodara, is hereby quashed and set aside qua the applicant only, subject to the condition that the applicant deposits **Rs.30,000/-** with the Registry of this Court, which shall, in turn, transmit the same in favour of the Gujarat High Court Legal Services Committee within the period of **one month**, from today. Consequently, all other proceedings arising out of the aforesaid order are also quashed and set aside qua the applicant. Accordingly, Rule is made absolute. Direct service is permitted.

(NIRZAR S. DESAI,J)

UMESH/-

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: CHAVDA UMESH(HC00203), Principal pvt Secretary, at High Court of Gujarat on 18/06/2025 17:42:01