

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 8732 of
2025**

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SOHIL BABUBHAI VAHORA & ORS.

Versus

STATE OF GUJARAT & ANR.
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Appearance:

MR KANDARP H DHOLAKIA(3704) for the Applicant(s) No. 1,2,3,4,5,6
MR ROHAN SHAH, APP for the Respondent(s) No. 1
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CORAM: **HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR****Date : 24/07/2025****ORAL ORDER**

1. Learned Advocate **Mr. G. K. Vaghari**, states that he has instructions to appear on behalf of the original complainant and thereby, seeks permission to file his Vakalatnama. The Registry is directed to accept the vakalatnama. The complainant is present in-person and identified by his learned Advocate. Heard learned advocates for the respective parties.

2. **RULE.** Learned advocates waive service of note of rule on behalf of the respective respondents.

3. Considering the facts and circumstances of the case and since it is jointly stated at the Bar by learned advocates on both the sides that the dispute between the parties has been resolved amicably, this matter is taken up for final disposal forthwith.

4. By way of this application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS"), the petitioners have prayed to quash and set aside the complaint being

FIR No.11204046250399 of 2025, registered with **Nadiad Town Police Station, District Kheda**, for the offences under Sections 336(3), 338, 340(2) and 61(1) of the Bharatiya Nyaya Sanhita, and all the consequential proceedings arising therefrom.

5. Learned advocates for the respective parties submitted that during the pendency of proceedings, the parties have settled the dispute amicably and pursuant to such mutual settlement, the original complainant has also filed an Affidavit dated 18.06.2024 which is taken on record. In the Affidavit, the original complainant has categorically stated that the dispute with the petitioners has been resolved amicably and that he has no objection, if the present proceedings are quashed and set aside since there is no surviving grievance between them. The complainant is present in-person and admitted the factum of settlement.

6. Having heard learned advocates on both the sides and considering the facts and circumstances of the case as also the principle laid down by the Apex Court in the cases of **(i) Gian Singh Vs. State of Punjab & Anr.**, reported in **(2012) 10 SCC 303**, **(ii) Madan Mohan Abbot Vs. State of Punjab**, reported in **(2008) 4 SCC 582**, **(iii) Nikhil Merchant Vs. Central Bureau of Investigation & Anr.**, reported in **2009 (1) GLH 31**, **(iv) Manoj Sharma Vs. State & Ors.**, reported in **2009 (1) GLH 190** and **(v) Narinder Singh & Ors. Vs. State of Punjab & Anr.** reported in **2014 (2) Crime 67 (SC)**, considering the facts that the impugned FIR was filed by the complainant in connection of alleged incident took place between 28.12.2023 to 12.03.2025, it was alleged that accused persons in connivance with each other forged one agreement dated 28.12.2023 and produced before the Notary Public and got notarized the same and impersonated the wife of the complainant. Even based on the said forged document one petition was preferred being Criminal

Misc. Application No.5163 of 2023, which was subsequently came to be withdrawn by way of settlement and thereafter the impugned complaint was filed. During the pendency of the investigation the parties have settled the dispute of money transaction of Rs.12,00,000/-, therefore, as the dispute is private in nature and not against the State and no past antecedents against the petitioners, in the opinion of this Court, the further continuation of criminal proceedings against the petitioners in relation to the impugned FIR would cause unnecessary harassment to the petitioners. Further, the continuance of trial pursuant to the mutual settlement arrived at between the parties would be a futile exercise. Hence, to secure the ends of justice, it would be appropriate to quash and set aside the impugned FIR and all consequential proceedings initiated in pursuance thereof under Section 528 of the BNSS.

7. In the result, the application is allowed. The impugned complaint being **FIR No.11204046250399 of 2025**, registered with **Nadiad Town Police Station, District Kheda**, as well as all consequential proceedings initiated in pursuance thereof are hereby quashed and set aside qua the petitioners herein. Rule is made absolute. Direct service is permitted. If the petitioners are in jail, the jail authority concerned is directed to release the petitioners forthwith, if not required in connection with any other case.

(HASMUKH D. SUTHAR,J)

ANKIT

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ANKIT YOGESHBHAI JANSARI(HCW0109), ENGLISH STENOGRAPHER GRADE I, at High Court of Gujarat on 24/07/2025 14:52:23