

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO.
11067 of 2023**

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HEBHIBEN BABUBHAI GADHE (HEMIBEN BABUBHAI GADHE)

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR CHINTAN S POPAT(5004) for the Applicant(s) No. 1

APP MR MANAN MAHETA for the Respondent(s) No. 1

RULE SERVED for the Respondent(s) No. 2

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**Date : 04/09/2025****ORAL ORDER**

1. Mr. Divyang A. Joshi, learned advocate submits that he has instructions to appear on behalf of the respondent No.2 and he further submits that the matter is amicably settled between the parties, in this regard has produced on record an affidavit.

2. Registry is directed to accept the Vakalatnama of the learned advocate, Mr. Divyang A. Joshi appearing for respondent no. 2.

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. Rule. Learned advocates waive service of Rule for the respective respondents.

5. By way of this application under Articles 21, 22, 226 and 227

of the Constitution of India and section 482 of the Code of Criminal Procedure, the applicants have prayed to quash and set aside **the FIR being CR No. 11191028230646 of 2023 registered at Vejalpur Police Station, Ahmedabad City** for the offences under sections 498A, 323, 294(b), 506(2) and 114 of the Indian Penal Code and under sections 3 and 4 of the Dowry Prohibition Act as well as all the consequential proceedings arising therefrom.

6. 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, which is taken on the record. In the Affidavit, the original complainant has categorically stated that the dispute with the applicant/s 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.

7. Having heard learned advocates on both the sides and considering the facts and circumstances of the case, it appears that complainant and respondents are residing together and the dispute is private in nature. Now the matter is amicably settled between the parties and in this regard, the complainant has filed an affidavit stating that he has no objection if the complaint is quashed. Therefore, no fruitful purpose would be served to proceed with the matter.

8. In view of the above, as 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)**, as well as considering the fact that amicable settlement has been arrived at between the parties which fact has been affirmed by the respondent no. 2, who has remains present before the Court, in the opinion of this Court, the further continuation of criminal proceedings against the applicant/s in relation to the impugned FIR would cause unnecessary harassment to the applicant/s. 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 Bhartiya Nayay Suraksha Sanhita, 2023/482 of the Cr.P.C..

9. In the result, the application is allowed. The impugned **FIR being CR No. 11191028230646 of 2023 registered at Vejalpur Police Station, Ahmedabad City** as well as all consequential proceedings initiated in pursuance thereof are hereby quashed and set aside qua the applicants. If Applicants, who are reported to be in jail, be released forthwith if not required in connection with any other offence. Rule is made absolute to the aforesaid extent only. Direct service is permitted.

(HASMUKH D. SUTHAR,J)

Kaushal Rathod

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: KAUSHAL MAHESHBHAI RATHOD(HCD0078), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 08/09/2025 12:09:04