IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER) NO. 18922 of 2025

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SACHIN LALJIBHAI RATHOD & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:
MR ANIL H RATHOD(9691) for the Applicant(s) No. 1,2,3,4,5,6,7,8
MR MANAN MAHETA, APP for the Respondent(s) No. 1

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

Date : 10/12/2025

ORAL ORDER

1. Learned advocate Mr.Abhishek Khuman appears and submits that he has instructions to appear on behalf of the respondent no.2 - complainant. He is permitted to file his appearance. Registry shall accept his vakalatnama.

2. By way of filing the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant-accused has prayed to quash and set-aside the First Information Report No.11191002220584 of 2022 registered with the Ranip Police Station, District - Ahmedabad, for the offences punishable under Sections 324, 323, 354, 294(b), 143, 147 and 149 of the Indian Penal Code, 1860, as well as the proceedings arising out of the Criminal Case No.3622 of 2023 pending before the learned 10th Additional Civil Judge and Chief Judicial Magistrate, Ahmedabad, and all other consequential proceedings arising pursuant thereto.

3. Today, when the matter is called out, both the complainant

and the victim are personally present before this Court and have produced their identity proofs as well as the affidavits, which are ordered to be taken on record. In the said affidavit, the complainant and the victim have categorically stated that the dispute has been amicably resolved between the parties and there is no ill-will or any grievance amongst them.

4. Considering the issue involved in the present application as well as considering the fact that the dispute has been amicably resolved between the parties, with the consent of the learned advocates appearing for the respective parties, the present application is taken up for final disposal.

5. **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.Abhishek Khuman waives service of notice of rule for and on behalf of the respondent no.2 – complainant.

6. The complainant and the victim, who are personally present before this Court, have categorically stated before this Court that the dispute has been amicably resolved and they have no objection if the application is allowed and the impugned order is quashed and set-aside.

7. The relevant paragraph of the affidavit filed by the complainant reads thus :

> *" I say and submit that, the applicants have preferred quashing of the FIR before this Hon'ble Court. I say and submit that I have no objection, if this Hon'ble Court may be pleased to quash and set aside before It is respectfully submitted that a complaint came to*

> *be filed by respondent no. 2 ON Dated 14.10.2022 before Ranip Police Station, Ahmedabad as Cr.No.11191002220584 of 2022 for the offences under sections 324, 323, 354, 294 (b), 143, 147, 149, of Indian Penal Code against the present applicants and chargesheet has been filed and Criminal Case No.3622 of 2023 is pending before the consent trial court."*

8. The relevant paragraph of the affidavit filed by the victim reads thus :

> *"I say and submit that, the applicants have preferred quashing of the FIR before this Hon'ble Court. I say and submit that I have no objection, if this Hon'ble Court may be pleased to quash and set aside before It is respectfully submitted that a complaint came to be filed by respondent no. 2 ON Dated 14.10.2022 before Ranip Police Station, Ahmedabad as Cr.No.11191002220584 of 2022 for the offences under sections 324, 323, 354, 294 (b), 143, 147, 149, of Indian Penal Code against the present applicants and chargesheet has been filed and Criminal Case No.3622 of 2023 is pending before the consent trial court."*

9. Thus, it appears from the aforesaid that to continue 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.

10. Having heard learned advocates appearing for the respective parties as well as considering the facts and circumstances arising out of the present application and taking into consideration the decisions rendered in the cases of ***Gian Singh vs. State of Punjab & Another***, 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 & Another***, reported in (*2009) 1 GLH 31,* ***Manoj Sharma vs. State & Others***,

reported in (*2009) 1 GLH 190,* and ***Narinder Singh & Others vs. State of Punjab & Another***, reported in (*2014) 2 Crime 67 (SC)* as well as ***State of Haryana vs. Bhajanlal***, reported in *AIR 1992 SC 604*, it appears that continuing further with the proceedings pursuant to the impugned FIR as well as the proceedings of the criminal case would be a futile exercise and the same would amount to abuse of process of law. Hence, to secure the ends of justice, the impugned FIR as well as the proceedings of the criminal case and all other consequential proceedings arising pursuant thereto are required to be quashed and set-aside in exercise of the powers conferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

11. In the result, the application is allowed. The proceedings of the First Information Report No.11191002220584 of 2022 registered with the Ranip Police Station, District - Ahmedabad, for the offences punishable under Sections 324, 323, 354, 294(b), 143, 147 and 149 of the Indian Penal Code, 1860, as well as the proceedings arising out of the Criminal Case No.3622 of 2023 pending before the 10th Additional Civil Judge and Chief Judicial Magistrate, Ahmedabad, and all other consequential proceedings arising pursuant thereto, are hereby ordered to be quashed and set-aside.

12. Rule made absolute. Direct service is permitted.

(VIMAL K. VYAS, J)

DEEPAK GEHLOT

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: DEEPAK GEHLOT(HC02361), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 11/12/2025 16:56:51