

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO.
20690 of 2025

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SURPAL BALVANTBHAI PATELIA
Versus
STATE OF GUJARAT & ANR.

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Appearance:

A R KADRI(7330) for the Applicant(s) No. 1

TRUPESH KATHIRITYA, PUBLIC PROSECUTOR for the respondent(s) no. 1

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CORAM: HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 09/10/2025

ORAL ORDER

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

1.1 Learned advocate, Mr. Urvish Prajapati, states that he appears for Respondent No.2 – the original complainant. He is permitted to file his 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, filed 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 F.I.R., bearing 11187005250368 of 2025, registered with Kothamba Police Station, District: Mahisagar, under Sections 137(2), 87, 64(2)(M) and 65(1) of the Bhartiya Nyay Sanhita, 2023, Section 4, 5(L) and 6 of the Protection of Children from Sexual Offences Act, 2012 and POCSO Case No. 25 of 2025, pending before the learned 2nd Additional District & Sessions Judge, Mahisagar, as well as all other consequential proceedings arising out of the aforesaid FIR, qua the applicant.

5. Learned advocate for the applicant has taken this Court through the factual matrix arising out of the present application. At the outset, it is submitted that the parties have amicably resolved the dispute and therefore, any further continuance of the proceedings pursuant to the impugned FIR 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 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 filed by respondent No.2 – Pravinbhai Chandubhai Machar, Dated: 06.09.2025, which is already produced on record. Respondent No.2 and the victim are present in person before the Court and are duly identified by learned advocate for respondent No.2. On inquiry made by the Court, respondent No.2 and the victim have 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 FIR 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

FIR would amount to abuse of process of law and hence, to secure the ends of justice, the impugned FIR is required to be quashed and set aside in exercise of powers conferred under Section 482 of the Code.

9. Resultantly, this application is **ALLOWED** and the impugned F.I.R., bearing bearing 11187005250368 of 2025, registered with Kothamba Police Station, District: Mahisagar, and POCSO Case No. 25 of 2025, pending before the learned 2nd Additional District & Sessions Judge, Mahisagar, is hereby quashed and set aside qua the applicant only. Consequently, all other proceedings arising out of the aforesaid F.I.R. 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 09/10/2025 17:49:02