IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO. 25872 of 2025

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DIPSINH JUVANSINH SOLANKI & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:
MR D S GADHVI(11310) for the Applicant(s) No. 1,2,3
MR. MANAN MAHETA ADDL. PUBLIC PROSECUTOR for the Respondent(s) No. 1

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

Date : 09/12/2025

ORAL ORDER

1. Leave to amend. The same shall be carried out forthwith.

2. At the outset, learned advocate Mr. Gadhvi has submitted that he does not press the present application qua the applicants Nos. 2 and 3 (i.e the father-in-law and mother-in-law) since they have been protected by this Court, and seeks permission to withdraw the present application qua them.

3. Permission as prayed for is granted. Application stands withdrawn as not pressed qua the applicants Nos. 2 and 3 (i.e the father-in-law and mother-in-law).

4. Learned advocate Mr. Ronak N. Shekhalia appears and states that he has instructions to appear on behalf of the

respondents Nos.2 and 3. He is permitted to file his appearance. Registry shall accept his vakalatnama.

5. By way of filing this application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant No.1-accused, who is the husband of the victim-complainant has prayed to quash and set aside the FIR being I CR No. 11189003250065 of 2025 registered with the 'A' Division Police Station, Morbi City, for the offences punishable under Sections 498 A and 114 of the Indian Penal Code as well as all other consequential proceedings arising out of the aforesaid FIR qua the applicant herein.

6. Today, when the matter is called out, the complainant is personally present before this Court. She has produced her I.D proof, as well as the affidavit, which are ordered to be taken on record. In the said affidavit, the complainant has categorically stated that due to the intervention of the relatives and mutual friends, the dispute between the parties has now been resolved.

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

8. Rule returnable forthwith. Learned APP Mr. Manan Maheta waives service of notice of the rule for and on behalf of the respondent No.1 State. Learned advocate Mr. Ronak Shekhalia waives service of notice of rule for and on behalf of the respondents No.2 .

9. Learned advocate Mr. D. S Gadhvi appearing for the applicant No.1 accused has submitted that since the dispute has been amicably resolved between the parties, the application may be allowed and the impugned FIR may be quashed and set aside qua the applicant No.1-accused.

10. The complainant, who is personally present in the Court, has stated before this Court that she has no objection if the FIR is quashed. Thus, sending the applicant-accused to face the trial would be a futile exercise. The relevant para of the affidavit filed by the respondent No.2 original complainant reads thus :

> *"3.I respectfully state that the applicant has agreed to pay a total sum of Rs. 10,00,000/- (Rupees Ten Lakhs only) towards alimony. Out of the said amount, a cheque bearing No.65 for Rs. 5,00,000/- drawn on Bank of Baroda has already been encashed on 6.11.2025. The remaining amount of Rs. 5,00,000/- shall be paid through cheque No. 66, which is due for encahsment on 20.12.2025. It is*

further mutually agree that an amount of Rs. 84,000/- per annum shall be paid towards maintenance of the minor daughter. The applicant has already issued Cheque No. 63 for Rs. 84,000/- which has been duly encashed on 17.11.2025. It is also stated that a petition for divorce has been filed and the same is presently pending before the Hon'ble Family Court, Kapadvanj, District Kheda, being Family Suit No. 76 of 2024".

11. Having heard learned counsel appearing for the respective parties, as well as considering the facts and circumstances arising out of the present application as well as taking into consideration the decisions rendered 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)** as well as **State of Haryana Vs. Bhajanlal reported in AIR 1992 SC 604**, it appears that continuing further with the criminal proceedings in relation to the impugned FIR against the applicant-accused would be an unnecessary harassment to the applicant-accused. It further appears that the trial would a be futile exercise and continuing

further with the proceedings pursuant to the impugned FIR would amount to abuse of process of law. Hence, to secure the ends of justice, the impugned FIR and all other consequential proceedings are required to be quashed and set aside in exercise of the powers conferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, qua the present applicant No.1-accused.

12. In the result, the application is allowed. The proceedings of the FIR being I CR No. 11189003250065 of 2025 registered with the 'A' Division Police Station, Morbi City, as well as all other consequential proceedings arising out of the aforesaid FIR qua the applicant No.1-accused, are hereby quashed and set aside. Direct service is permitted.

(VIMAL K. VYAS, J)

MARY VADAKKAN

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MARY VINOD ANTHANATTE(HC00204), Principal Pvt. Secretary, at High Court of Gujarat on 12/12/2025 11:14:00