

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 25852 of 2025

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BABUBHAI KALABHAI CHARPOT & ORS.
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR. ASHVIN Y. MAHIDA(18091) for the Applicant(s) No. 1,2,3
RAFIK LOKHANDWALA(5590) 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. Learned advocate Mr. Bhargav K. Mehta appears and states that he has instructions to appear on behalf of the respondents Nos.2. 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 applicants-accused have prayed to quash and set aside the FIR being No. 11821048240305 of 2024 registered with the Sukhsar Police Station, Dist : Dahod, for the offences punishable under Sections 323, 504, 506(2), 114 of the Indian Penal Code as well as all other consequential proceedings arising out of the aforesaid FIR qua the applicants herein.

3. 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 both the complainant and the accused-applicants are neighbours and due to the intervention of the elders and family members, the dispute between the parties has now been resolved.

4. 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.

5. 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. Bhargav K. Mehta waives service of notice of rule for and on behalf of the respondent No.2.

6. Learned advocate Mr. Rafik Lokhandwala appearing for the applicants has submitted that since the dispute has been amicably resolved between the parties, and there is no grievance or ill-will against them, the application may be allowed and the impugned FIR may be quashed and set aside.

7. The complainant, who is personally present in the Court, has stated the dispute has been amicably resolved and she has no objection, if the FIR is quashed.

8. Thus, sending the applicants-accused to face the trial would be a futile exercise.

9. The relevant para of the affidavit filed by the respondent No.2 original complainant reads thus :

“2. I state and submit that the complainant and the accused applicants are neighbours and we reside in the same vicinity and also we belong to the same caste and community and therefore, due to intervention of respected elder members of community, neighbours and family members, the matter has been amicably settled between the parties and the harmonious relation has been established between us. It is stated that dispute and grievance of both the sides have been amicably settled and I do not want to prosecute the applicants any further with respect to the impugned FIR. Since the offences alleged against the applicants are personal in nature and not affecting any interest of the state government, it has been agreed to compromise the dispute including the impugned complaint and all the subsequent consequential proceeding, arising pursuant to the said FIR.”

10. The relevant para of the affidavit filed by the victim Rakeshbhai Bhalabhai Charpot reads thus :

2. I state and submit that we and the accused applicants are neighbours and we reside in the same vicinity and also we belong to the same caste and community and therefore, due to intervention of respected elder members of community, neighbours and family members, the matter has been amicably settled between the parties and the harmonious relation has been established between us. It is stated that dispute and grievance of both the sides have been amicably settled and I do not want to prosecute the applicants any further with respect to the impugned F.I.R. Since the offences alleged against the applicants are personal in nature and not affecting any interest of the state government, it has been agreed to compromise the dispute including the impugned complaint and all the subsequent consequential proceedings, arising pursuant to the said FIR.”

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 applicants-accused would be an unnecessary harassment to the applicants-accused. It further appears that the trial would be a 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

12. In the result, the application is allowed. The proceedings of the FIR being No. 11821048240305 of 2024 registered with the Sukhsar Police Station, Dist : Dahod as well as all other consequential proceedings arising out of the aforesaid FIR qua the applicants-accused, are hereby quashed and set aside. Direct service is permitted.

(VIMAL K. VYAS, J)

MARY VADAKKAN