IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER) NO. 1778 of 2022

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UPENDRABHAI INDULAL VYAS & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:
MR.MANAN BHATT(6535) for the Applicant(s) No. 1,2,3
HCLS COMMITTEE(4998) for the Respondent(s) No. 2
MS MEDHA N PANDYA(6171) for the Respondent(s) No. 2
MR ROHAN SHAH APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR.JUSTICE P. M. RAVAL**

Date : 08/10/2026

ORAL ORDER

1. Heard, learned advocates for the respective parties.

2. *Rule*. The learned advocates for the respective respondents waive service.

3. Considering the facts and circumstances of the case and since it is jointly stated at bar by the learned advocates for the respective parties that the dispute between the parties has been resolved amicably, this matter is taken up for final disposal forthwith.

4. By this application under Section 482 of the Code of Criminal Procedure, 1973, the applicants have prayed to quash and set aside the FIR No.11198036210046 of 2021 dated 22.12.2021 registered with Mahila Police Station, Bhavnagar for the offences punishable under Sections 498A, 323 and 114 of Indian Penal Code, 1860 so also under Sections 3 and 7 of the Dowry Prohibition Act, 1961 and to

quash all other consequential proceedings arising therefrom.

5. The 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 *de facto* complainant has also filed an Affidavit, which is on record. In the Affidavit, the *de facto* complainant has categorically stated that the dispute with the applicants has been resolved amicably and she has no objection if the criminal proceedings are quashed and set aside since there is no surviving grievance between them.

6. The *de facto* complainant is before this Court today virtually. When questioned, the complainant has unequivocally stated that she has entered into compromise with the accused and they have amicably settled the dispute and that, she has no objection to quash the FIR that is registered against the applicant. Learned advocate Ms.Pandya, who appears for the complainant, has also appeared virtually and identified the complainant.

7. It is apt here to consider whether the power conferred by the High Court under section 482 of the Code of Criminal Procedure is warranted. It is true that the powers under Section 482 of CrPC are very wide and the very plenitude of the power requires great caution in its exercise. The Court must be careful to see that its decision in exercise of this power is based on sound principles. The inherent power should not be exercised to stifle a legitimate prosecution. The High Court being the highest Court of a State should normally

refrain from giving a *prima facie* decision in a case where the entire facts are incomplete and hazy, more so when the evidence has not been collected and produced before the Court and the issues involved, whether factual or legal, are of magnitude and cannot be seen in their true perspective without sufficient material. Of course, no hard-and-fast rule can be laid down in regard to cases in which the High Court will exercise its extraordinary jurisdiction of quashing the proceeding at any stage as held by the Apex Court in the case of ***Central Bureau of Investigation v. Ravi Shankar Srivastava, IAS & Anr., reported in AIR 2006 SC 2872***.

8. Having heard learned advocates on both the sides and considering the facts and circumstances of the case as also the principles 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) Narinder Singh & Ors. Vs. State of Punjab & Anr. reported in 2014 (2) Crime 67 (SC)*** as also considering the fact that the dispute being matrimonial dispute between the parties is resolved amicably and complainant has no objection if the FIR is quashed, in the opinion of this Court, the continuation of criminal proceedings against the present applicants would be an exercise in futility and abuse of process of law. 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.

9. *In fine*, the application is allowed. The impugned FIR, as referred to herein above, as well as all consequential proceedings initiated in pursuance thereof, are hereby quashed and set aside *qua* the applicants herein.

9.1 If the applicant are in jail, the jail authority concerned is directed to release the applicants forthwith, if not required in any other case.

9.2 Rule is made absolute to the aforesaid extent. **Direct service** is permitted.

(P. M. RAVAL, J)

MISHRA AMIT V.

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AMIT VISHNUPRASAD MISHRA(HC00187), Principal Pvt. Secretary, at High Court of Gujarat on 08/10/2026 14:42:05