

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC. APPLICATION (FOR CONSENT QUASHING) NO.
7107 of 2026**

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NIRAV DILIPBHAI DESAI
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR. D K.PUJ(3836) for the Applicant(s) No. 1

MR. TIRTHRAJ PANDYA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS

Date : 20/04/2026
ORAL ORDER

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

2. By way of preferring the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant-accused seeks to invoke the inherent powers of this Court, praying to quash and set-aside the FIR being C.R. No. 11216025250593 of 2025 registered with the Santej Police Station, District-Gandhinagar, for the offences punishable under Sections 406, 420, 465, 467, 468 and 471 of the Indian Penal Code, as well as all other consequential proceedings arising pursuant thereto qua the applicant.

3. Today, when the matter is called out, the complainant is virtually present before this Court. Learned advocate appearing for the complainant has submitted the affidavit of the complainant,

which is ordered to be taken on record. In the said affidavit, the complainant has categorically stated that with the intervention of the friends, family members and community people, the dispute has been amicably resolved with the applicant 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. Tirthraj Pandya waives service of notice of rule for and on behalf of the respondent no.1 - State and learned advocate Mr. K.R. Tailor waives service of notice of rule for and on behalf of the respondent no.2 - complainant.

6. Learned advocate for the applicant-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.

7. The complainant, who is virtually present before the Court has categorically stated before this Court that he has no objection if the application is allowed and the impugned FIR is quashed and set-aside. Thus, it appears from the aforesaid that sending the applicant-accused to face the trial would be nothing but a futile exercise and would amount to abuse of process of law.

8. The relevant paragraphs of the affidavit filed by the complainant – Alpesh Chimanbhai Patel, read thus :

“1. I say that I am the original complainant in connection FIR registered as I.C.R No. 11216025250593 of 2025 dated 03.11.2025 (hereinafter referred to as "FIR"), lodged by the Respondent No. 2 (original complainant herein) with Santej Police Station, District: Ahmedabad for the offences punishable under Sections 406, 420, 465, 467, 468 and 471 of Indian Penal Code (hereinafter referred to as "IPC").

2. I say that amicable settlement has been entered into between the petitioner and the respondent no.2. I say that the impugned FIR is filed account of some misunderstanding between the petitioners and the respondent no.2 and hence on intervention of the common

known persons the said misunderstanding is brought to an end and amicable settlement has been arrived between the parties. I further say that I have no objection if the impugned FIR is quashed on the ground of settlement.

3. I say and submit that in view of the settlement and understanding between the petitioner and the respondent no.2, the said land sale deed will be done in favour of petitioner (Alpesh C Patel) no useful purpose would be served by continuing the prosecution further. I state that present FIR and all other consequential proceedings may kindly be quashed.

4. I say and submit that this settlement/compromise as aforesaid has been entered into between the parties out of my free will and without any pressure from any other and without having been influenced by anyone but the main settlement condition as shown in paragraph no.3 I earnestly request this Hon'ble Court to quash the impugned FIR and all other consequential proceedings in the interest of justice.”

9. 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 further continuation of the criminal proceedings in relation to the impugned FIR against the applicant-accused would be nothing but unnecessary harassment to the applicant-accused. It further appears that the trial would be a futile exercise and continuing further with the criminal 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 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.

10. In the result, the application is allowed. The FIR being C.R. No. 11216025250593 of 2025 registered with the Santej Police Station, District- Gandhinagar, for the offences punishable under Sections 406, 420, 465, 467, 468 and 471 of the Indian Penal Code, as well as all other consequential proceedings arising pursuant thereto are hereby ordered to be quashed and set-aside, qua the present applicant.

11. Rule made absolute. Direct service is permitted.

(VIMAL K. VYAS, J)

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