IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC. APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER) NO. 10903 of 2026

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NARESHBHAI JASHUBHAI MAKWANA & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:
MR BHARAT T RAO(697) for the Applicant(s) No. 1,2,3
MR JAY MEHTA, APP for the Respondent(s) No. 1
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CORAM:**HONOURABLE MR.JUSTICE P. M. RAVAL**

Date : 10/06/2026

ORAL ORDER

1. Learned advocate for the applicants has tendered the draft amendment. The same is allowed in terms of the draft. Amendment to be carried out forthwith.

2. Learned advocate Mr. H. B. Champavat states that he has instructions to appear on behalf of the heirs of the *de facto* complainant and seeks permission to file his Vakalatnama, which is granted.

3. Heard, learned advocates for the respective parties.

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

5. 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.

6. By this application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), the applicants have prayed to quash and set aside the Criminal Case Nos. 6307 of 2017 and 9971 of 2018, arising from Charge-sheet Nos. 102 of 2017 and 81 of 2018 arising out of FIR being CR No. I-144 of 2016, registered with Odhav Police Station, Ahmedabad City for the offences punisable under Sections 406, 420, 467, 468, 471, 201 and 114 of the Indian Penal Code, 1860.

7. 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 heirs of the *de facto* complainant have also filed Affidavits, which are taken on record. In the Affidavits, they have categorically stated that the dispute with the applicants has been resolved amicably and they have no objection if the criminal proceedings are quashed and set aside since there is no surviving grievance between them.

8. The heirs of the *de facto* complainant have unequivocally stated that they have entered into compromise with the accused and they have amicably settled the dispute and that, they have no objection to quash the above stated criminal proceedings initiated against the applicants.

9. It is apt here to consider whether the power conferred by the High Court under Section 528 of the BNSS is warranted. It is true that the powers under Section 528 of the BNSS 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***.

10. 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 between the parties is resolved amicably and heirs of the complainant have no objection if the criminal proceedings in question are 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. Although, some cases are exempted which are catelogued in the said judgment of the Apex Court, the present case is not falling within the said exempted cases as the case appears to be of civil in nature. Hence, to secure the ends of justice, it would be appropriate to quash and set aside the impugned criminal proceedings initiated in pursuance thereof.

11. *In fine*, the application is allowed. The impugned criminal proceedings, as referred to herein above, are hereby quashed and set aside *qua* the applicants herein.

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

[P. M. Raval, J.]

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Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: HIREN VIRENDRABHAI MER(HC00351), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 10/06/2026 17:04:54