IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO. 14155 of 2026

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SAIYAD SAJATALI AYUBALI @BHOLA & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:
MR KEYUR A VYAS(3247) for the Applicant(s) No. 1,2,3,4,5
MR JAY MEHTA, ADDL.PUBLIC PROSECUTOR for the Respondent(s) No. 1
MR NIKHIL VYAS for the Respondent No.2

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CORAM:**HONOURABLE MRS. JUSTICE M. K. THAKKER**

Date : 24/06/2026

ORAL ORDER

1. Leave to amend. Amendment shall be carried out forthwith.
2. Rule returnable forthwith. Learned APP Mr. Mehta waives service of notice of Rule for and on behalf of respondent No.1-State. Learned advocate Mr.Nikhil Vyas waives service of notice of Rule for and on behalf of respondent No.2-original complainant.
3. Learned advocate Mr. Vyas for the applicant does not press this application qua applicant Nos.1, 2 and 4. Present application stands disposed of as not pressed qua applicant Nos.1, 2 and 4. Rule is discharged qua them.

1. 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 C.R.No.I-11206050260279 of 2026 registered with Nandasan Police Station for the offences punishable under Sections 189(1), 189(2), 189(4), 190, 191(3), 310(2), 140(1), 126(2), 308(5), 109(1), 351(3), 352, 115(2), and 303(2) of the Bharatiya Nyaya Sanhita, as the case may be, as well as all consequential proceedings arising therefrom qua the applicants herein.

2. Considering the nature of the dispute involved in the present application and further considering the fact that the parties have amicably resolved their inter se dispute, with the consent of the learned advocates appearing for the respective parties, the present application is taken up for final disposal.

3. Today, when the matter is called out, respondent No.2-original complainant is present before this Court and is identified by the learned advocate Mr. Vyas appearing on his behalf. Respondent No.2 has categorically stated that the dispute between the parties has been amicably settled and that he does not wish to proceed further with the impugned complaint.

4. At the outset, learned advocate Mr. Vyas submitted that, as per the allegations made in the FIR, no overt act has been attributed to the present applicant and that the applicant has not actively participated in the commission of the alleged offence. It is further submitted that the present applicant does not have any criminal antecedents and that the dispute between the parties has now been resolved. Learned advocate Mr. Vyas

submitted that the dispute between the parties has been amicably resolved and that the parties have decided to put an end to their grievances. It is submitted that, in view of the settlement arrived at between the parties, continuation of the criminal proceedings would amount to an abuse of the process of law.

5. Learned advocate Mr. Vyas appearing for respondent No.2 has supported the submissions advanced on behalf of the applicants and reiterated the contents of the affidavit filed by respondent No.2.
6. The present application is opposed by the learned APP Mr. Mehta appearing for the respondent-State.
7. The complainant, who is present before this Court, has categorically stated that the dispute has been amicably resolved between the parties and that he has no objection if the impugned FIR is quashed. Thus, permitting the applicants to face the trial would be a futile exercise.
8. The affidavit filed by respondent No.2-original complainant reads thus:

> "I XXX XXX XXX , Respondent No.2 Original Complainant in the above-captioned matter, do hereby solemnly affirm and state on oath as under:
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> 1. I state that I am the original complainant and Respondent No.2 in the present proceedings. I am well acquainted with the facts and circumstances of the case and am competent and authorized to swear this affidavit. I have read and understood the contents of the petition preferred by the Applicants under Section 528 of the Bharatiya Nagarik

Suraksha Sanhita, 2023, and I am fully aware of the reliefs sought therein.

2. I state that I had lodged the First Information Report bearing C.R. No. 1-11206050260279 of 2026 dated 05.06.2026 registered with Nandasan Police Station for the offences punishable under Sections 189(1), 189(2), 189(4), 190, 191(3), 310(2), 140(1), 126(2), 308(5), 109(1), 351(3), 352, 115(2) and 303(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 135 of the Gujarat Police Act.

3.I state that after the registration of the aforesaid FIR, with the intervention of respected members of society, relatives and well-wishers, the dispute between myself and the Applicants has been amicably resolved. The parties have arrived at a full, final and voluntary settlement and all misunderstandings and differences between us now stand resolved.

4.I further state that I do not have any subsisting grievance, claim, dispute or complaint of any nature whatsoever against the Applicants. The settlement has been arrived at out of my own free will, volition and consent, without any force, coercion, threat, undue influence, inducement or pressure from any person.

5.I state that in view of the amicable settlement arrived. at between the parties; I am no longer interested in pursuing the criminal proceedings arising out of the aforesaid FIR. I am of the considered opinion that continuation of the criminal proceedings would serve no useful purpose and would unnecessarily disturb the peace and harmony now prevailing between the parties.

6. I respectfully submit that I have no objection if

this Hon'ble Court exercises its inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and quashes and sets aside the FIR bearing C.R. No. 1-11206050260279 of 2026 dated 05.06.2026 registered with Nandasan Police Station, along with all consequential proceedings arising there from.

7. I state that the contents of the present petition have been read over and explained to me in the vernacular language known to me, and I have fully understood the same. I state that the facts stated therein, to the extent they relate to the settlement and consent for quashing, are true and correct to my knowledge and belief.

8. I hereby voluntarily, unequivocally unconditionally accord my consent to the quashing of and the aforesaid FIR and all consequential proceedings pending pursuant thereto. I respectfully request this Hon'ble Court to allow the petition and grant the relief prayed for therein.

9. I state that this affidavit is executed in the interest of justice and for placing the true and correct facts before this Hon'ble Court."

9. Having heard the learned advocates appearing for the respective parties and considering the facts and circumstances of the case, as also taking into consideration the decisions rendered in **Gian Singh Vs. State of Punjab & Anr., (2012) 10 SCC 303; Madan Mohan Abbot Vs. State of Punjab, (2008) 4 SCC 582; Nikhil Merchant Vs. CBI & Anr., 2009 (1) GLH 31; Manoj Sharma Vs. State & Ors., 2009 (1) GLH 190; Narinder Singh & Ors. Vs. State of Punjab &**

Anr., (2014) 6 SCC 466; and State of Haryana Vs. Bhajan Lal, AIR 1992 SC 604, this Court is of the opinion that continuation of the criminal proceedings pursuant to the impugned FIR would amount to abuse of the process of law and that no fruitful purpose would be served by permitting the prosecution to continue. Hence, in order to secure the ends of justice, the impugned FIR and all consequential proceedings deserve to be quashed and set aside in exercise of powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

10. In the result, the present application is allowed qua applicant Nos.3 and 5. The FIR being C.R.No.I-11206050260279 of 2026 registered with Nandasan Police Station, as well as all consequential proceedings arising therefrom, are hereby quashed and set aside qua the applicants.

11. Rule is made absolute accordingly. Direct service is permitted.

(M. K. THAKKER,J)

M.M.MIRZA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MUDDASAR MUSTAKBHAI MIRZA(HC01407), PRIVATE SECRETARY, at High Court of Gujarat on 30/06/2026 09:53:55