IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER) NO. 17748 of 2014

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TUSHARBHAI GOVINDBHAI NANDANI

Versus

STATE OF GUJARAT & ANR.

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Appearance:
MR HARSHIT S TOLIA, SENOIR ADVOCATE with MR PARTH S TOLIA(5617) and MS HARSHVI H TOLIA for the Applicant(s) No. 1
MS AMRUTA A BHARADWAJ with MR KS CHANDRANI (6674) for the Respondent(s) No. 2
MS VRUNDA SHAH, ADDITIONAL PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:**HONOURABLE MS. JUSTICE GITA GOPI**

Date : 28/10/2026

ORDER

1. This application has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.') for quashing and setting aside the First Information Report (FIR) bearing C.R. No.I-18 of 2014 registered with DCB Police Station, Rajkot City for the offences punishable under Sections 153A, 501, 502, 120B and 188 of the Indian Penal Code (IPC) and Sections 125 and 127A of the Representation of the People Act and the proceedings initiated in pursuant thereto.

2. Today, learned advocate Ms. Amruta A. Bharadwaj for the victim's heirs and legal representative has stated that the victim has died and the family members of the victim

have filed an Affidavit stating that they do not want to continue with the complaint, after deliberation with their own friends and front runners of the political party.

3. Learned advocate Ms. Amruta A. Bharadwaj further submitted that now the victim is no more and even the complainant has expired. It is further submitted that the family members of the victim do not want to proceed with the complaint since the victim has left for his heavenly abode and has therefore, urged for quashing of the subject complaint.

4. Learned Senior advocate for the applicant Mr. Harshit S. Tolia appearing with learned advocates Mr. Parth S. Tolia and Ms. Harshvi H. Tolia have submitted that the allegations were made under Sections 153A, 501, 502, 120B and 188 of the IPC and under Sections 125 and 127A of the Representation of the People Act. It is further submitted that the allegations were made on the basis that certain phamphlets that were distributed allegedly to tarnish the image of the elected candidate of the party. It is also submitted that the offences were registered without due consideration of Sections 195 and 196 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.') and has urged for quashing of the complaint.

5. Learned Additional Public Prosecutor, submitted that any FIR should be quashed in accordance with the guidelines of the Apex Court and the parameters laid down therein.

6. Heard learned advocates appearing for the respective parties and perused the records of the case. This Court has verified the Affidavits filed by Rushabh Vijaybhai Rupani-son of the victim, Radhika Nimit Mishra-daughter of the victim and Anjali Vijaybhai Rupani-wife of the victim. Today, they have remained present virtually in the Chamber of the Court and this Court has verified from each of them. They have affirmed the contents of the Affidavits filed by them and have also given their consent for quashing of the FIR.

7. It is true that certain section of IPC is non-compoundable and that the other sections could be compounded with the permission of the Court. Considering the principle laid down by the Apex Court in the case of **Gian Singh v. State of Punjab and another** reported in **2012 (10) SCC 303**, the present matter would fall under the criteria laid down therein. In paragraph-61 of the said judgment, it has been observed thus :

> *"61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and*

> *gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victims family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."*

8. In the present case, the impugned complaint was filed being aggrieved with the image of the leader of the political party being defamed. The complainant has died, the victim is no more and the family members do not want to pursue the complaint. In view of the above, there exists no scope for any further proceeding in the

matter. Hence, the Court is of the opinion that considering the above fact as well as the proposition of law in the referred decision, this is a fit case where the inherent powers of the Court under section 482 of the Cr.P.C. could be exercised for securing the ends of justice.

9. In the result, the application is allowed. The impugned First Information Report bearing C.R. No.I-18 of 2014 registered with DCB Police Station, Rajkot City, and the proceedings initiated in pursuance thereof qua the applicant is quashed and set aside. Rule is made absolute.

Direct Service is permitted.

Sd/-
(GITA GOPI,J)

CAROLINE / # 129

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: CAROLINE ANTHONISWAMY(HC00212), Principal pvt Secretary, at High Court of Gujarat on 28/10/2026 17:42:03