IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 10338 of 2026

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MAHIR ASRAFBHAI KANAD & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:
MR VICKY B MEHTA(5422) for the Applicant(s) No. 1,2,3
MR AN KADRI with MR TANVIR MASTER for the Respondent(s) No. 2
MR HARDIK MEHTA, ADDL. PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE J. C. DOSHI**

Date : 30/10/2026

JUDGMENT

Rule. Learned APP waives service of rule for the respondent State and learned advocate Mr. Kadri waives for respondent complainant.

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

2. By way of this application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner haS prayed to quash and set aside the FIR being **C.R.No.I - 11211025260316** registered with **Joravarnagar Police Station** for the offences under Sections 318(4), 85, 54 of the

BNNS and all the consequential proceedings arising therefrom.

3. Learned advocates for both the parties state that in view of settlement of divorce entered into between both the parties, present FIR may be quashed, as the complainant do not wish to prosecute the FIR any further. Said settlement deed is taken on record. The complainant is present in the Court personally and states that she does not want to continue with the FIR and she has no objection if the FIR is quashed. The complainant is identified by his advocate.

4. Having heard the learned advocates appearing for the respective parties and considering the facts and circumstances of the case, settlement affidavit 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**, in opinion of this Court, since parties have buried their dispute, the dispute which is already buried need not to be allowed to roll further. 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 under Section 482 of the Cr.P.C..

5. In the result, the application is allowed. The impugned FIR being **C.R.No.I - 11211025260316** registered with **Joravarnagar Police Station** as well as all consequential proceedings initiated in pursuance thereof are hereby quashed and set aside qua the petitioners.

6. If the petitioner accused is in jail, the concerned jail authority is directed to release the accused forthwith, if not required in any other case. Rule made absolute to the aforesaid extent.

Direct service is permitted.

(J. C. DOSHI,J)

SHEKHAR P. BARVE

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SHEKHAR PRAFULBHAI BARVE(HC00200), Principal Pvt. Secretary, at High Court of Gujarat on 30/10/2026 14:52:35