IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER) NO. 14866 of 2016

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SHAHIL FAKIR MOH.SHAIKH & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:
MR.MINHAJ M SHAIKH(6847) for the Applicant(s) No. 1
MS. KRUTI M SHAH(2428) for the Applicant(s) No. 2,3
MS.DILBUR CONTRACTOR(6388) for the Respondent(s) No. 2
MR ROHAN SHAH APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR.JUSTICE P. M. RAVAL**

Date : 01/10/2026

ORAL ORDER

1. Heard, learned advocates for the respective parties.

2. 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.

3. By this application under Section 482 of the Code of Criminal Procedure, 1973, the applicants have prayed to quash and set aside the FIR being C.R.No.-I- 7 of 2016 registered with Mahila Police Station, Dist.Banaskantha for the offences punishable under Sections 376, 377, 384 and 114 of the Indian Penal Code, 1860 and to quash all other consequential proceedings arising therefrom.

4. 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 *de facto* complainant has also filed an Affidavit, which is taken on record. In the Affidavit, the *de facto* complainant has categorically stated that the dispute with the applicants has been resolved amicably and she has no objection if the criminal proceedings against the present applicants is quashed and set aside since there is no surviving grievance between them.

5. The *de facto* complainant is present before this Court today, who is identified by learned advocate for the complainant. When questioned, the complainant has unequivocally stated that she has entered into compromise with the applicants and they have amicably settled the dispute and that, she has no objection if this Court quashes the FIR that is registered against the applicants.

6. It is apt here to consider whether the power conferred by the High Court under section 482 of the Code of Criminal Procedure is warranted. It is true that the powers under Section 482 of CrPC 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***.

7. 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 complainant has no objection if the FIR is 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. 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 against the present applicants.

8. *In fine*, the application is allowed. The impugned FIR, as referred to herein above, as well as all consequential

proceedings initiated in pursuance thereof, are hereby quashed and set aside *qua* the applicants herein.

9.1 If the applicants are in jail, the jail authority concerned is directed to release the applicants forthwith, if not required in any other case.

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

(P. M. RAVAL, J)

MISHRA AMIT V.

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AMIT VISHNUPRASAD MISHRA(HC00187), Principal Pvt. Secretary, at High Court of Gujarat on 01/10/2026 15:11:11