IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 11223 of 2023

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ASHVINBHAI SOMABHAI KHANT
Versus
STATE OF GUJARAT & ORS.

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Appearance:
MS. BHAVNA D ACHARYA(6406) for the Applicant(s) No. 1
MR SAHIL M. THAKOR for the Respondent(s) No. 2,3
MS DHWANI TRIPATHI, ADDL. PUBLIC PROSECUTOR for the Respondent(s) No. 1

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

Date : 29/10/2026

JUDGMENT

Rule. Learned APP waives service of rule for the respondent State and learned advocate Mr.Thakor for respondent Nos.2 and 3.

1. By way of this application under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "the Code"), the petitioners have prayed for quashing and setting aside FIR being C.R.No.11196017220603 registered with Panigate Police Station, Vadodara City, for the offences punishable under Sections 363, 366, of the IPC as well as all other consequential proceedings arising out of the aforesaid FIR qua the petitioners herein.

2. When the matter is called out today, the complainant and victim are present before the Court through learned advocate Mr. Sahil B. Thakor, who has instructions to appear for them. Learned advocate for the complainant and the victim has

placed on record affidavits filed by the complainant as well as the victim. In the affidavit, the complainant has categorically stated that the dispute between the parties are now resolved and there is no ill-will and grievance amongst the parties. The daughter of the complainant, who is present in the Court, is a major and stated before the Court that she has no objection, if the FIR is quashed. The complainant also has no objection if the FIR is quashed. Said affidavits are taken on record. Relevant para is 2, which reads as under:-

> *"I state and submit that the amicable settlement has been arrived at between my mother and the petitioner. After the registration of the impugned FIR against the petitioner, my family members had realized that due to several objections against the love affair between me and the petitioner at the relevant point of time and misunderstandings, in haste, the said FIR is filed by my mother. Thus, she does not want to pursue with the present FIR as it would affect my happy and satisfied married life as I already married with the petitioner on 16.03.2023. The copy of marriage certificate is already annexed with the petition and from the said wedlock, we are having one son namely, "Priyansh" whose date of birth is 7.12.2023."*

Moreover, it also comes on record that the victim married to the petitioner and now, they are settled in their married life. The marriage certificate is also placed on record. Thus, sending the petitioners to face the trial is a futile exercise.

3. 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.

4. In the case of State of Haryana Vs. B.Bhajanlal & ors., AIR 1992 SC 604, the Hon'ble Apex Court summed up the proposition of law, which reads as under:-

> *"(1) Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.*
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> *(2) Where the allegations ins the F.I.R. and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under S.156(1) of the Code except under an order of a Magistrate within the purview of S.155(2) of the code.*
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> *(3) Where, the uncontroverted allegations made in the F.I.R. or complaint and the evidence collected in support of the same donot disclose the commission of any offence and make out the case against the accused.*
>
> *(4) Where, the allegations in the F.I.R. do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under*

S.155(2) of the Code.

(5) Whether, the allegations made in the F.I.R. or complaint are sO absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where, there is an express legal bare engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) toi the institution and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with malafide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

4.1 The findings of the Hon'ble Apex Court in para 1,3 and 7 are attracted in the present case. In view of above, present petition deserves consideration.

5. In the result, the application is allowed. The proceedings of FIR being C.R.No.11196017220603 registered with Panigate Police Station, Vadodara City as well as all other consequential proceedings arising out of the aforesaid FIR qua the petitioners herein are hereby quashed and set aside. 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 29/10/2026 16:35:31