IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER) NO. 19415 of 2018

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TARUNBHAI MADHUBHAI VAGHELA

Versus

STATE OF GUJARAT & ANR.

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Appearance:
MR ARIF A SHEKH(5040) for the Applicant(s) No. 1
MR. JAVED S QURESHI(6999) for the Respondent(s) No. 2
MR. MR QURESHI(7264) 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 : 08/10/2026

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 applicant has prayed to quash and set aside the FIR C.R.No.I- 13 of 2018 registered with Limbdi Police Station, Surendranagar for the offences punishable under Sections 363 and 366 of Indian Penal Code, 1860 so also under Section 17 of POCSO Act and to quash all other consequential proceedings arising therefrom.

5. The 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 dated 08.10.2026, which is taken on record. In the Affidavit, the *de facto* complainant has categorically stated that the dispute with the applicant has been resolved amicably and he has no objection if the criminal proceedings are quashed and set aside since there is no surviving grievance between them.

6. The *de facto* complainant is before this Court today. When questioned, the complainant has unequivocally stated that he has entered into compromise with the accused and they have amicably settled the dispute and that, he has no objection if this Court quashes the FIR registered against the applicant. Learned advocate for the complainant has identified the complainant in the Court. The affidavit dated 01.10.2018 filed by the victim, who is daughter of the complainant, is already on record which suggests that the victim has become major and intended to live with the applicant.

7. 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***.

8. 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 victim who is daughter of the complainant has by way of an affidavit, which is taken on record, already shown her willingness to live with the present applicant and 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 applicant 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.

9. *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 applicant herein.

9.1 If the applicant is in jail, the jail authority concerned is directed to release the applicant 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 08/10/2026 14:41:12