IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER) NO. 22897 of 2026

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ABHAY NANDAN GIRI & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:
MR. VARUN G RAI(7135) for the Applicant(s) No. 1,2,3
MR K.M. ANTANI APP for the Respondent(s) No. 1

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

Date : 26/10/2026

ORDER

1. Draft amendment is allowed. The same shall be carried out forthwith.

2. Learned advocate Mr. Nayan Gupta submits that he has instruction to appear on behalf of original complainant and seeks permission to file vakalatnma. Permission is granted. Vakalatnama of Mr. Gupta be accepted.

3. **RULE**. K.M. Antani, learned Additional Public Prosecutor waives service of notice of rule on behalf of respondent - State and Mr. Nayan Gupta, learned advocate waives service of notice of rule on behalf of respondent No.2 – original complainant.

4. The petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, “the BNSS”) seeking quashment of the FIR bearing No.11196016221071 of 2022 registered with Makarpura Police Station, Vadodara City, dated

19.11.2022 for the offences punishable under Sections 498A and 114 of IPC and all the consequential proceedings initiated pursuant thereto.

5. Mr. Varun G.Rai, learned advocate for the applicants submitted that, the disputes is of private in nature. He submits that the parties have settled the dispute amicably outside the Court and that there remains no grievance between them. It was submitted that the parties are known to each other and therefore, in the larger interest of the society, the impugned complaint may be quashed and set aside.

5.1 Learned advocate submitted that the Court may verify the said aspect from the original complainant -respondent no.2, who is present before this Court.

6. Mr. Nayan Gupta, learned advocate for the respondent no.2 – original complainant concurred with the factum of settlement of the dispute, as advanced by learned advocate Mr. Rai appearing for the applicants.

7. Mr. K.M. Antani, learned APP submitted that any First Information Report should be quashed in accordance with the guidelines of the Apex Court and the parameters laid down therein.

8. This Court has heard the learned advocates on both the sides and has perused the material on record. The original complainant – Prashantiben Abhaynandan Giri is present through video conferencing. The affidavit of the power of attorney of the original complainant has been filed. The

deponent is the father of the original complainant, who has filed the affidavit. Today, the original complainant and the power of attorney holder i.e. father and daughter are virtually appeared and affirmed the settlement between the parties, stating that the divorce decree has been drawn by Principal Judge, Family Court, Vadodara on 30.06.2026 in Family Suit No.848 of 2025, and that no grievance remains. It is stated that during the proceeding it has been agreed upon that the criminal case filed by the complainant would be withdrawn. The respondent no.2 - original complainant, categorically stated that she has no grievance against the applicants and that she has no objection to the quashment of the impugned first information report filed by her.

9. Perused the judgment passed by the Family Court under Section 13B of the Hindu Marriage Act. The divorce terms have been recorded in the judgment.

10. In view of the same, when the matter is with regard to the matrimonial dispute and ultimately the dispute is seen the result by way of divorce, no purpose would be served by continuance of the FIR. It is true that the offences alleged against the applicants under the Indian Penal Code are non-compoundable and that some of the offences 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."*

11. In the case of **State of Madhya Pradesh v. Laxmi Narayan and others** reported in **(2019) 5 SCC 688**, the Apex Court had the occasion to consider the issue as to whether an FIR lodged for the 2 offences punishable under sections 307 and 34 IPC could be quashed on the basis of the settlement between the parties. While considering the said issue, the Apex Court observed in para-13 thus:

> *"13. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:*
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> *(i) that the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;*
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> *(ii) such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;*
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> *similarly, such power is not to be exercised for the offences under the special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between*

the victim and the offender;

(iv) offences under Section 307 IPC and the Arms Act etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh (supra) should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

(v) while exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impart on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise etc."

12. The injury sustained does not involve any mental depravity nor amounts to a heinous crime. In view of the settlement arrived at between the parties, there exists no

scope for any further proceeding in the matter. The continuance of proceedings would lead to wastage of precious judicial time as there would remain no possibility of any conviction in the case. Hence, the Court is of the opinion that this is a fit case where the inherent powers of the Court under section 528 of the BNSS could be exercised for securing the ends of justice.

13. In the result, the petition is allowed. The impugned FIR bearing bearing No.11196016221071 of 2022 registered with Makarpura Police Station, Vadodara City and the proceedings initiated in pursuance thereof are quashed and set aside qua the present applicants. Rule is made absolute. Direct service is permitted.

(GITA GOPI,J)

Pankaj/55

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PANKAJ KUMAR PRASAD(HC00967), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 27/10/2026 18:54:18