IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO. 24246 of 2026

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ARYAN YOGESHKUMAR JOSHI & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:
MR KAVAN K PATEL(11303) for the Applicant(s) No. 1,2,3
MS DIVYANGANA JHALA, APP for the Respondent(s) No. 1
MR DV CHAUHAN for the original complainant

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

Date : 05/11/2026

ORDER

1. **RULE**. Learned advocates waive service of Rule on behalf of the respective respondents.

2. This application has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing and setting aside FIR No. 11217009260773/2026 registered with Harij Police Station, Patan for the offence punishable under Sections 118(1), 118(2), 351(3), 54 of the Bharatiya Nyaya Sanhita, 2023 and Section 135 of the Gujarat Police Act as well as all subsequent proceedings arising therefrom.

3. Learned advocate for the applicant submits that the parties have settled the dispute amicably outside the Court and that there remains no grievance between them. Therefore, in the larger interest of the parties, the impugned FIR may be quashed and set aside.

4. Learned Additional Public Prosecutor for the respondent-State submitted that as per the report, the accused is habitual person who enters into such assault and thereafter, settles the dispute and there are instances of earlier quashing petition. Learned APP submitted that any FIR should be quashed in accordance with the guidelines of the Hon'ble Apex Court and the parameters laid down therein.

5. The complainant is present before this Court and is identified by learned advocate Mr. D.V. Acharya. Let Vakalatnama, if any, be accepted on record. The complainant has also filed an affidavit stating that now there is no grievance between them and continuation of FIR would rather affect the parties. The Court verified the contents of the compromise with the original complainant–respondent no.2. The original complainant affirmed the affidavit, wherein terms of settlement have been recorded. The original complainant categorically stated that the complainant has no grievance against the applicant and that the complainant has no objection to the quashment of the impugned FIR.

6. 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."

7. In view of the discussions made hereinabove and 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.

8. Having considered the fact that the accused has antecedents of such FIRs, let the accused pay Rs.20,000/- to the victim - complainant as compensation within a period of 20 days and a copy of the receipt of the payment be produced before the Registry.

9. In the result, the application is allowed. The FIR No. 11217009260773/2026 registered with Harij Police Station, Patan and all subsequent proceedings initiated in pursuance thereof are quashed and set aside qua the present applicant. Rule is made absolute. Direct service is permitted.

(GITA GOPI,J)

Maulik

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MAULIK RAJESH PANDYA(HC00205), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 05/11/2026 18:40:30