IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 15325 of 2026

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE J. C. DOSHI ***Sd/-***

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Approved for Reporting	Yes	No
		No

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AVINASH DESHRAJ THAKUR
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR SIDDHARTH H DAVE(5306) for the Applicant(s) No. 1
MS DHWANI R. TRIPATHI, APP for the Respondent(s) No. 1

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

Date : 29/10/2026
JUDGMENT

1. Learned advocate Mr. Parth G. Jani submits that he has instructions to appear on behalf of the respondent No.2 – original complainant and he shall file his *Vakalatnama* with the Registry.

2. Heard learned advocate Mr. Siddharth H. Dave appearing for the petitioner – accused, learned APP Ms. Dhwani R. Tripathi for the respondent No.1 – State and learned advocate Mr. Parth G. Jani for the respondent No.2.

3. Considering the facts and circumstances of the case and since it is jointly stated at the bar by learned advocates on both the sides that the dispute between the parties has been resolved amicably, this matter is taken up for final disposal forthwith.

4. By way of this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner has prayed to quash and set aside the FIR being C.R.No.11210015260009 of 2026 registered with DCB Police Station, Surat City for the offences under Sections 308(2), 308(5) and 351(2) of the Bharatiya Nyaya Sanhita, 2023 and all the consequential proceedings arising therefrom.

5. Learned advocates for both the parties state that in view of settlement entered into between both the parties, present FIR may be quashed, as the complainant does not wish to prosecute the FIR any further. In view thereof, a settlement affidavit on behalf of the original complainant – victim has also been solemnized dated 12.10.2026, which is produced at Annexure-E, page 44 of the petition, and same is hereby taken on record. The complainant is personally present in the Court and states that she does not want to continue with the FIR and she has no objection if the FIR against the present petitioner is quashed. The complainant is identified by her advocate Mr. Parth G. Jani.

6. 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 the 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 under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

7. In the result, the petition is ***allowed***. The impugned FIR being C.R.No.11210015260009 of 2026 registered with DCB Police Station, Surat City as well as all consequential proceedings initiated in pursuance thereof are hereby quashed and set aside qua the petitioner.

8. If the petitioner accused is in jail, the concerned jail authority is directed to release the accused forthwith, if not required in any other case.

Direct service is permitted.

Sd/-
(J.C. DOSHI, J.)

Raj

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: RAJ SUBHASH DHOBI(HC01779), Private Secretary, at High Court of Gujarat on 29/10/2026 15:04:38