IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER) NO. 25803 of 2026

==========

BIREN GOVINDLAL SHAH & ANR.

Versus

STATE OF GUJARAT & ANR.

==========

Appearance:
MR. KISHAN H DAIYA(6929) for the Applicant(s) No. 1,2
MR K.M. ANTANI APP for the Respondent(s) No. 1
==========

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

Date : 30/10/2026

ORDER

1. **Rule**. Learned Additional Public Prosecutor waives service of Rule on behalf of the respondent–State.

2. This application has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing and setting aside FIR No. 11214046251296/2025 registered with Palsana Police Station, Surat (Rural) for the offence punishable under Sections 316, 318, 61 of the Bharatiya Nyaya Sanhita, 2023 as well as all subsequent proceedings arising therefrom.

3. Mr. Kishan H.Daiya, learned advocate for the applicants, submitted 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 society, the impugned complaint may be quashed and set aside.

3.1 Learned advocate submitted that the Court may verify the said aspect from the original complainant - respondent no.2.

4. Learned Additional Public Prosecutor for the respondent-State 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 affidavit of the complainant – Sanjaybhai Natvarlal Mahet and the victim Nimeshbhai Rameshbhai Kamdar are produced on record.

6. The complainant is present before this Court and is identified by learned advocate Mr. Mahesh K.Poojara. Let Vakalatnama of Mr. Poojara be accepted. The Court asked from both the parties about the settlement. Both of them stated 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 matter has been settled and he has received the money and there is no outstanding dues and now the complainant has no grievance against the applicant and that the complainant has no objection to the quashment of the impugned FIR.

7. In the case of **Parbatbhai Aahir & Ors. v. State of Gujarat & Anr.,** reported in **(2017) 9 SCC 641**, it has been observed as under:-

> *"16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court;*
>
> *16.2. The invocation of the jurisdiction of the High Court to quash a First Information Report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.*
>
> *16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute;*
>
> *16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and*
>
> *16.10. There is yet an exception to the principle set out in propositions (viii) and (ix) above. Economic offences involving the financial and economic well-being of the state have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the*

balance."

8. Having considered the fact that amount, as referred in the complaint has been received 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.

9. In the result, the application is allowed. The FIR No.11214046251296/2025 registered with Palsana Police Station, Surat (Rural) and all subsequent 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/15

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 30/10/2026 15:38:18