IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO. 26838 of 2026

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PRASHANTKUMAR HARDIAYALAL KUSHAVAH & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:
MR VIRAT G POPAT(3710) for the Respondent(s) No. 4
MR TRUPESH KATHIRIYA, APP for the Respondent(s) No. 1
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CORAM:**HONOURABLE MR. JUSTICE M. R. MENGDEY**

Date : 06/11/2026

ORDER

1. Present application is preferred by the applicant under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, seeking quashing of FIR No.1198047250194 of 2025 registered with Sihor Police Station, Bhavnagar for the offences punishable under Sections 318(2), 316(2), 336(2), 340(2), 338 and 54 of the BNS and Criminal Case No.462 of 2025 as well as all other consequential proceedings arising out of the said F.I.R..

2. Heard learned Advocate for the applicant and learned APP for the Respondent – State. Learned Advocate Ms. Shweta Lodha appears and states that she has received instructions to appear on behalf of Respondent No.2 – Original Complainant and she would be filing her appearance before the Registry. Registry to accept the Vakalatnama.

3. Rule. Learned APP waives service of notice for and on

behalf of the respondent – State and learned Advocate appearing for the respondent complainant waives service of Rule on behalf of the Original Complainant.

4. Learned Advocate for the applicant has submitted that the matter has been amicably settled between the parties and they are now not willing to proceed with the complaint any further.

5. Learned APP has opposed the present application inter-alia contending that after registration of the F.I.R., the applicant never appeared before the Investigating Officer, which has been referred in the column no.2 of the Charge-sheet which was filed qua the other co-accused. He therefore submitted to dismiss the present application.

6. The complainant Hemantbhai Rasiklal Vora is present before the Court, who has been identified by the learned advocate appearing for the complainant.

7. Learned Advocate appearing on behalf of Original Complainant has placed on record the Affidavit dated 26.10.2026. He submitted that matter has been amicably settled between the parties and there is no objection if present application is allowed.

8. The relevant portion of the affidavit dated 26.10.2026 is as under:-

> *"I do not want to further proceed in connection with the aforesaid FIR and charge-sheet against the accused.*

I further say and submit that I do not wish to further prosecute the present applicant in connection with the aforesaid FIR as the settlement has been arrived at between the parties. I say and submit that 1 have no objection if the FIR and further proceedings in form of Criminal Case No.462/2025 pending in the Court of learned Addi chief Judicial Magistrate, Sihor, Bhavnagar is terminated qua the accused."

9. Considering averments made in the Affidavit as also the submissions made by the learned Advocates for the respective parties, the present Application deserves to be allowed and is hereby allowed. The FIR No.1198047250194 of 2025 registered with Sihor Police Station, Bhavnagar for the offences punishable under Sections 318(2), 316(2), 336(2), 340(2), 338 and 54 of the BNS and Criminal Case No.462 of 2025NS as well as all other consequential proceedings arising out of the said F.I.R. are hereby quashed and set aside qua the present applicant. Rule is made absolute to the aforesaid extent.

(M. R. MENGDEY,J)

NABILA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: NABILABANU MOHAMADNOOR PATNIJAMAT(HC00630), Private Secretary, at High Court of Gujarat on 06/11/2026 17:40:19