IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO. 26499 of 2026

==========

HARSHADBHAI MANIBHAI PATEL

Versus

STATE OF GUJARAT & ANR.

==========

Appearance:
MR KIRIT R PATEL(2802) for the Applicant(s) No. 1
MS ARUNA K PATEL(13007) for the Applicant(s) No. 1
MR PRANAV DHAGAT, APP for the Respondent(s) No. 1

==========

CORAM:**HONOURABLE MR. JUSTICE M. R. MENGDEY**

Date : 05/11/2026

ORDER

1. Present application is preferred by the applicant under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, seeking quashing of judgment and order dated 04.05.2026 passed by the learned 38th Addl. Chief Judicial Magistrate, Ahmedabad in Criminal Case No.103791 of 2019 as well as all other consequential proceedings arising out of the said complaint.

2. Heard learned Advocate for the applicant and learned APP for the Respondent – State. Learned Advocate Mr. Vilas N. Gohil appears and states that he has received instructions to appear on behalf of Respondent No.2 – Original Complainant and he would be filing his 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 looking to the seriousness of offence, the present application may not be allowed and the same should be dismissed.

6. The complainant Rohitbhai Babubhai Vyas is present before the Court in-person, 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 29.10.2026. 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 29.10.2026 is as under:-

> *"2. I say and submit that, after passing of the judgment and order of conviction, a payment receipt issued by Respondent No. 2, bearing Receipt No. 252627, records receipt of Rs. 27,000/- in relation to Agreement/Loan Account No. 68586. I state these facts with reference to the*

said receipt. The receipt by itself does not record a full and final settlement or closure of the loan account.

3. I say and submit that the parties have resolved their dispute amicably and that Respondent No. 2 consents to the compounding of the offence and to the Applicant seeking appropriate relief in relation to the judgment and order dated 04.05.2026, subject to the terms of settlement mutually agreed between the parties.

4. I say and submit that, in view of the settlement, Respondent No. 2 has no objection if this Hon'ble Court considers the application for compounding/quashing in accordance with law. I understand that the final decision rests with this Hon'ble Court."

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 judgment and order dated 04.05.2026 passed by the learned 38th Addl. Chief Judicial Magistrate, Ahmedabad in Criminal Case No.103791 of 2019 as well as all other consequential proceedings arising out of the said complaint 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 18:12:53