IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER) NO. 26986 of 2026

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GABHUBHAI BABUBHAI RABARI & ANR.

Versus

STATE OF GUJARAT & ORS.

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Appearance:
MR SHALIN N MEHTA, SENIOR ADVOCATE assisted by MR AJ YAGNIK(1372) for the Applicant(s) No. 1,2
MR HARDIK DAVE, PUBLIC PROSECUTOR assisted by MS DIVYANGNA JHALA, APP for the Respondent(s) No. 1
MR JAL S UNWALLA, SENIOR ADVOCATE assisted by MR MEHUL B DHONDE for the original complainant

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

Date : 06/11/2026

ORDER

1. Heard Mr. Shalin N. Mehta, learned Senior Advocate assisted by A.J. Yagnik, learned counsel for the applicants, Mr. Hardik Dave, learned Public Prosecutor assisted by Ms. Divyagna Jhala, learned Additional Public Prosecutor for the respondent–State and Mr. Jal S. Unwalla, learned Senior Advocate assisted by Mr. Mehul B. Dhonde, learned advocate for the original complainant.

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

3. This application has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing and

setting aside FIR No. 11216001260755/2026 registered with Adalaj Police Station, Gandhinagar for the offence punishable under Sections 140(3), 351(2), 351(3), 54 of the Bharatiya Nyaya Sanhita, 2023 as well as all subsequent proceedings arising therefrom.

4. Mr. Shalin N. Mehta, learned Senior Advocate for the applicants stated that the issue is with regard to registration of the sale deed before the Sub-Registrar, Gandhinagar and further 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 parties, the impugned FIR may be quashed and set aside.

5. Mr. Hardik Dave, learned Public Prosecutor assisted by Ms. Divyangna Jhala, learned Additional Public Prosecutor for the respondent-State has submitted that the contents laid down in the affidavit could not be verified and ascertained and hence, not admitted by the State. However, the State has no objection if the parties agreed to quash the FIR stating that the dispute is in connection with the land.

6. The original complainant and victim are present before this Court and is identified by learned advocate Mr. Mehul Dhonde. Let Vakalatnama be accepted on record. Kajalben w/o Popatji Cheharaji Thakor–complainant, Harshadbhai Ramtuji Thakor–witness and victim, Popatji Cheharaji Thakor–witness and the victim have 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 and the victim. The original complainant and victim affirmed the affidavit, wherein terms of settlement have been recorded. The original complainant and the victim categorically stated that the complainant and victim have no grievance against the applicants and that the complainant and the victim have 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;
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> 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.
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> 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;
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> 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
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> 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. Heard the learned counsel appearing for the respective parties. Perused the affidavits. This Court has got it confirmed from the complainant and the victim, who have stated that the affidavits have been affirmed out of their own free will and volition and that the contents of the affidavits have been interpreted to them in Gujarati. The affidavits contain certain allegations against the police personnel of Adalaj Police Station. However, this Court does not intend to enter into the details of such allegations. The parties have arrived at a consensus, putting aside their past ill-will.

9. 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.

10. In the result, the application is allowed. The FIR No. 11216001260755/2026 registered with Adalaj Police Station, Gandhinagar 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)

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 06/11/2026 15:02:04