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(2023) 01 GUJ CK 0078

In the Gujarat High Court

Case No : R/Criminal Misc.Application No. 978 Of 2023

Ajay Rohitbhai Dantani - Chunara — APPELLANT

Vs

State Of Gujarat — RESPONDENT

Date of Decision : 16-01-2023

Acts Referred:
Constitution Of India, 1950 — Article 226, 227
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2023) 01 GUJ CK 0078

Hon'ble Judges : Ilesh J. Vora, J

Bench : Single Bench

Advocate : Urvesh M Prajapati, Maithili Mehta

Final Decision : Allowed

Judgement

Ilesh J. Vora, J

1. Mr.Denish Navadhiya, learned advocate states that he has received instructions to appear for and on behalf of respondent no.2 and he shall file his Vakalatnama before the Registry. Registry is directed to accept the same.

2. Heard learned advocates for the respective parties.

3. Rule. Learned advocates appearing for the respective respondents waive service of Rule on behalf of the respective respondents.

4. Considering the issue involved in the present application and with consent of the learned advocates appearing for the respective parties as well as considering the fact that the dispute amongst the applicants and respondent No.2 has been resolved amicably, this matter is taken up for final disposal forthwith.

5. By way of this application under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as ”the Code”), the applicants have prayed for quashing and setting aside FIR being Part-A - C.R.No. 11191066221029 of 2022 registered with Vasna Police Station, Ahmedabad, for

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the offences as mentioned in the FIR as well as other consequential proceedings arising thereto.

6. Learned counsel for the respective parties submitted that during pendency of the criminal proceedings, as referred to above, the parties have amicably settled their issue by way of mutual settlement and pursuant to understanding arrived at between them, respondent No.2 has accordingly filed an affidavit dated 11.01.2023, which is on record. The complainant has categorically stated in the affidavit that the dispute is resolved between them and he has no objections if the present proceedings are quashed and there is no surviving grievance between them.

7. Having heard the learned counsel for the respective parties, considering the facts and circumstances arising out of the present applications as well as taking into consideration the decisions rendered in the cases of Gian Singh Vs. State of Punjab & Anr., reported in (2012) 10 SCC 303, Madan Mohan Abbot Vs. State of Punjab, reported in (2008) 4 SCC 582, Nikhil Merchant Vs. Central Bureau of Investigation & Anr., reported in 2009 (1) GLH 31, Manoj Sharma Vs. State & Ors., reported in 2009 (1) GLH 190 and Narinder Singh & Ors. Vs. State of Punjab & Anr. reported in 2014 (2) Crime 67 (SC), it appears that further continuation of criminal proceedings in relation to the impugned FIR against the applicants would be unnecessary harassment to the applicants. It appears that the trial would be futile and further continuance of the proceedings pursuant to the impugned FIR would amount to abuse of process of law and Court and hence, to secure the ends of justice, the impugned FIR and other consequential proceedings are required to be quashed and set aside in exercise of powers conferred under Section 482 of the Code.

8. Resultantly, this application is allowed. The impugned FIR being Part-A - C.R.No. 11191066221029 of 2022 registered with Vasna Police Station, Ahmedabad as well as other consequential proceedings are hereby quashed and set aside qua the applicants herein. Accordingly, Rule is made absolute. Direct service is permitted.

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