

(2025) 11 GUJ CK 1866
In the Gujarat High Court

Case No : R/Criminal Misc.Application (For Consent Quashing) No. 20913 Of 2025

Aman S/O Ramzanbhai Sandhi & Ors

APPELLANT

Vs

State Of Gujarat & Anr

RESPONDENT

Date of Decision : 18-11-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 528
Indian Penal Code, 1860 — Section 114, 294(b), 323, 324, 365, 506(2)
Gujarat Police Act, 1951 — Section 135(1)

Citation : (2025) 11 GUJ CK 1866

Hon'ble Judges : Vimal K. Vyas, J

Bench : Single Bench

Advocate : Parthiv A Bhatt, Krina Calla

Final Decision : Allowed

Judgement

Vimal K. Vyas, J

1. Learned advocate Mr.Tejas Shukla appears and submits that he has instructions to appear on behalf of the respondent no.2 - complainant. He is permitted to file his appearance. Registry shall accept his vakalatnama.

2. By way of preferring the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants-accused seek to invoke the inherent powers of this Court, praying to quash and set-aside the First Information Report No.11191048240395 of 2024 registered with the Sarkhej Police Station, Ahmedabad City, for the offences punishable under Sections 365, 324, 323, 294(b), 506(2) and 114 of the Indian Penal Code and under Section 135(1) of the Gujarat Police Act, as well as the proceedings of the Criminal Case No.40822 of 2024 pending in the Court of learned Additional Civil Judge & JMFC, Ahmedabad (Rural).

3. Today, when the matter is called out, the complainant, who is personally

present before this Court, has produced his identity proof, which is ordered to be taken on record. He has also filed an affidavit, which is annexed as Annexure-B to the application. In the said affidavit, the complainant has categorically stated that with the intervention of the elder members of the family, the dispute between him and the applicants-accused has been amicably resolved and there is no ill-will or any grievance amongst them.

4. Considering the issue involved in the present application as well as considering the fact that the dispute has been amicably resolved between the parties, with the consent of the learned advocates appearing for the respective parties, the present application is taken up for final disposal.

5. RULE returnable forthwith. Learned APP Ms.Krina Calla waives service of notice of rule for and on behalf of the respondent no.1 – State and learned advocate Mr.Tejas Shukla waives service of notice of rule for and on behalf of the respondent no.2 – complainant.

6. Learned advocate for the applicants-accused has submitted that since the dispute has been amicably resolved between the parties, the application may be allowed and the impugned FIR may be quashed and set-aside.

7. The complainant, who is present in the Court, has categorically stated before this Court that he has no objection, if the application is allowed and the FIR as well as proceedings of the Criminal Case No.40822 of 2024 pending in the Court of learned Additional Civil Judge & JMFC, Ahmedabad (Rural) are quashed and set-aside. Thus, it appears from the aforesaid that sending the applicants-accused to face the trial would be nothing but a futile exercise and would amount to abuse of process of law.

8. The relevant paragraph of the affidavit reads thus :

“ It is submitted that as such the present accused No.1 is my cousin brother and the other accused are also known to me and because of involvement of the elder members in the family, I undertakes to withdraw all the allegations against the present applicants.”

9. Having heard learned advocates appearing for the respective parties as well as considering the facts and circumstances arising out of the present application and taking into consideration the decisions rendered in the cases of Gian Singh vs. State of Punjab & Another, 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 & Another, reported in (2009) 1 GLH 31, Manoj Sharma vs. State & Others, reported in (2009) 1 GLH 190, and Narinder Singh & Others vs. State of Punjab & Another, reported in (2014) 2 Crime 67 (SC) as well as State of Haryana vs. Bhajanlal, reported in AIR 1992 SC 604, it appears that to continue further with the criminal proceedings in relation to the impugned FIR against the applicants-accused would be nothing but unnecessary harassment to the applicants-accused. It further appears that the trial would be a futile exercise

and further continuance of the proceedings pursuant to the impugned FIR would amount to abuse of process of law. Hence, to secure the ends of justice, the impugned FIR and all other consequential proceedings arising pursuant thereto are required to be quashed and set-aside in exercise of the powers conferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

10. In the result, the application is allowed. The impugned First Information Report No.11191048240395 of 2024 registered with the Sarkhej Police Station, Ahmedabad City, for the offences punishable under Sections 365, 324, 323, 294(b), 506(2) and 114 of the Indian Penal Code and under Section 135(1) of the Gujarat Police Act, as well as the proceedings of the Criminal Case No.40822 of 2024 pending in the Court of the learned Additional Civil Judge & JMFC, Ahmedabad (Rural), are hereby ordered to be quashed and set-aside.

11. Rule made absolute. Direct service is permitted.