

(2014) 07 GUJ CK 0066

In the Gujarat High Court

Case No : Criminal misc. Application (For Quashing and Set Aside Fir/Order) No. 11502 of 2014

Arjun Rambhai Jalu

APPELLANT

Vs

State of Gujarat

RESPONDENT

Date of Decision : 30-07-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Gujarat Police Act, 1951 — Section 135(1)
Penal Code, 1860 (IPC) — Section 114, 427, 506(2)

Citation : (2014) 07 GUJ CK 0066

Hon'ble Judges : R.M. Chhaya, J

Bench : Single Bench

Advocate : Virat G. Popat, Advocate for the Appellant; Hansa Punani, APP, Advocate for the Respondent

Judgement

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R.M. Chhaya, J.—Heard learned counsel for the respective parties.

2. RULE. Ms. Hansa Punani, learned Additional Public Prosecutor for the respondent-State, and Ms. Panna I. Bhalla, learned advocate for respondent No. 2-Original complainant, appear and waive service on behalf of the respective respondents. Ms. Bhalla, learned advocate, undertakes to file vakalatnama on behalf of respondent No. 2 within two days.

3. Considering the issue involved in the present application and with consent of the learned advocates appearing on behalf of the respective parties as well as considering the fact that the dispute amongst the parties has been resolved amicably, this application is taken up for final disposal forthwith.

4. By way of the present application under Section 482 of the Code of Criminal Procedure, 1973 (the Code) the applicants-original accused have prayed for quashing of F.I.R. being C.R. No. II-98 of 2014 registered at Malaviyanagar Police

Station, Dist. Rajkot, for the offences under Sections 427, 506(2), 114 of the Indian Penal Code, 1860 (the IPC) and Section 135(1) of the Gujarat Police Act.

5. Learned advocate for the applicants-original accused has taken this Court through the allegations leveled in the impugned F.I.R. As per the facts mentioned in the application on 14.07.2014 when respondent No. 2 was coming towards his home in his BMW Car, the present applicants and two other unknown persons assaulted respondent No. 2 with baseball bats and sword and started hitting the car of respondent No. 2 and threatened him to leave the land of Malipasal or else to face dire consequences and also damaged the car of respondent No. 2. With the aforesaid and certain other allegations the aforesaid F.I.R. came to be lodged. Learned advocate for the applicants submits that after filing of the aforesaid F.I.R. the dispute between the parties has been amicably resolved outside the court.

Reliance is placed upon the affidavit filed by respondent No. 2 dated 22.07.2014 wherein he has mentioned that by mistake the present F.I.R. is filed against the present applicants. He has further stated that now he has no grievance against the present applicants and therefore he does not want to proceed further with the impugned F.I.R. and he has no objection if the impugned F.I.R. is quashed by this Court as now amicable settlement has been arrived at between the parties.

6. Learned advocate for the applicants-original accused further submits that in view of the fact that the parties have amicably resolved the dispute any further continuation of the proceedings pursuant to the impugned F.I.R. shall amount to harassment to the parties and therefore it is submitted that in order to secure the ends of justice, this Court may exercise its inherent jurisdiction under Section 482 of the Code and may quash the impugned F.I.R. as well as all consequential proceedings arising out of the impugned F.I.R.

7. Learned advocate for respondent No. 2, has reiterated the contentions raised by the learned advocate for the applicants-original accused. It is further submitted that respondent No. 2 is personally present in the court, who is identified by the learned advocate for respondent No. 2. To establish the identity of respondent No. 2, original driving license of respondent No. 2 is shown to the Court, a xerox copy whereof is also affixed with the aforesaid affidavit of respondent No. 2.

On enquiry by this Court, respondent No. 2-first informant, states that the parties have amicably settled the dispute and an affidavit to that effect is also placed on record of the present proceedings and, therefore, the first informant states that he does not want to proceed further with the matter in connection with the impugned F.I.R.

8. Learned Assistant Public Prosecutor for the respondent-State, candidly states that as the dispute between the parties has amicably resolved and, therefore, this Court may pass appropriate orders.

No other and further contentions are raised by the learned advocates appearing for the respective parties.

9. Having heard the learned advocates appearing on behalf of the respective parties, considering the facts and circumstances arising out of the present application as well as considering the ratio of the decisions rendered in the cases of Gian Singh Vs. State of Punjab and Another, , Madan Mohan Abbot Vs. State of Punjab, , Nikhil Merchant Vs. Central Bureau of Investigation and Another, , Manoj Sharma Vs. State and Others, as well as Narinder Singh and Others Vs. State of Punjab and Another, , it appears that further continuation of criminal proceedings in relation to the impugned F.I.R. against the applicants would be unnecessary harassment to the applicants and would amount to abuse of process of law and court and hence, to secure the ends of justice, the impugned F.I.R. is required to be quashed in exercise of power under Section 482 of the Code.

10. For the reasons stated hereinabove, the present application is allowed. Impugned F.I.R. being C.R. No. II-98 of 2014 registered at Malaviyanagar Police Station, Dist. Rajkot as well as all other consequential proceedings arising out of the aforesaid F.I.R. are hereby quashed and set aside.

11. Rule is made absolute to the aforesaid extent. Direct service permitted.