

(2018) 02 GUJ CK 0024
In the Gujarat High Court
Case No : 936 of 2018

BABUJI BHANAJI VANJARA(BHAT) & ORS APPELLANT
Vs
STATE OF GUJARAT & ANR RESPONDENT

Date of Decision : 05-02-2018

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 482](#), [Section 156\(3\)](#) - Saving of inherent powers of High Court - Police officers power to Investigate cognizable case
[Indian Penal](#)

Citation : (2018) 02 GUJ CK 0024

Hon'ble Judges : J.B.Pardiwala

Bench : Single Bench

Advocate : DARSHIT R BRAHMBHATT, RAKESH PATEL

Final Decision : Allowed

Judgement

1. Rule returnable forthwith. Mr. Rakesh Patel, the learned Additional Public Prosecutor, waives service of notice of rule for and on behalf of the

respondent No.1-State of Gujarat. Mr. A.N. Kadri, the learned advocate, has entered appearance on behalf of the respondent No.2-original

complainant and waives service of notice of rule.

2. By this application under section 482 of the Code of Criminal Procedure, 1973, the petitioners seek to invoke the inherent powers of this court,

praying for quashing of the first information report being M. Case No.2 of 2014 lodged before the Khedbrahma Police Station of the offence

punishable under sections 465, 467, 468, 471 read with section 114 of the Indian Penal Code on the ground that there has been an amicable

settlement between the parties and the respondent No.2- original complainant is no longer desirous of prosecuting the first information report

further. The respondent No.2-Mansingh Harisingh Vanjara is personally present and he confirms about the settlement arrived at with the accused

persons. The respondent No.2- Mansingh Harisingh Vanjara is identified by his learned advocate Mr. A.N. Kadri. Shri Mansingh Harisingh

Vanjara has also filed an affidavit, inter alia, stating as under:

I, Mansingh Harisingh Vanjara, aged-67 years, resident at Janali Tanda, Dist.- Sabarkantha, original complainant of M-Case No.2 of 2014

registered with Khedbrahma Police Station herein, do hereby solemnly affirm and state on oath that:

1. I state and submit that, I am the original complainant of FIR on hand being M-Case No.2 of 2014 registered with Khedbrahma Police Station

on dated 01.06.2014 for the offences punishable under sections 465, 467, 468, 471 r/w 114 of IPC.

2. I state and submit that, I have filed a private complaint against 4 accused persons regarding our personal dispute of land, and Id. JMFC court

order to register an FIR as per section 156(3) of Cr.P.C.

3. I state and submit that, the dispute between us occurred on account of misunderstanding a misconception and the same is shorted out under this

set of circumstances, and I earnestly urge this Honourable Court to terminate the proceedings as prayed for by the petitioners in the interest of

justice and If proceedings are terminated I have no objection.

4. I further say and submit that, I don't want to proceed further and withdraw all proceedings arising out from M. Case No.2 of 2014 registered

before Khedbrahma Police Station for the offences punishable under section 465,467, 468, 471 r/w 114 of IPC, as all misunderstanding had been

resolve and matter had been solved amicably.

5. I state and submit that, I am making this affidavit with my free will and consent and without any pressure from anyone.

Solemnly affirmed at Himmatnagar on 27th day of January, 2018

3. Taking into consideration the nature of the dispute and the fact that the parties have now amicably decided to live peacefully, no useful purpose

would be served to allow the police to continue with the investigation of the said first information report.

4. In the result, this application is allowed. The first information report being M. Case No.2 of 2014 lodged before the Khedbrahma Police Station

is hereby ordered to be quashed. All consequential proceedings arising from the same also stand terminated. Rule is made absolute. The Registry

shall accept the Vakalatnama of Mr. A.N. Kadri, the learned advocate appearing on behalf of the respondent No.2.

Direct service is permitted.