

(2014) 09 GUJ CK 0018
In the Gujarat High Court

Case No : Criminal Misc. Application No. 13726 of 2014

Dashrathji

APPELLANT

Vs

State of Gujarat

RESPONDENT

Date of Decision : 03-09-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482

Gujarat Police Act, 1951 — Section 135

Penal Code, 1860 (IPC) — Section 114, 323, 324, 504, 506(2)

Citation : (2014) 09 GUJ CK 0018

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

Bench : Single Bench

Advocate : Chirag H. Parekh and Ravi J. Patel, Advocate for the Appellant;
Hansa Punani, APP and Archana P. Patel, Advocate for the Respondent

Judgement

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

2. RULE. Learned counsel appearing for the respective respondents waive service.

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 applicant-original accused has prayed for quashing of F.I.R. being C.R. No. I-168 of 2014 registered at "B" Division Police Station, Dist. Mahesana for the offences under Sections 324, 323, 504, 506(2), 114 of the Indian Penal Code, 1860 (the IPC) and Section 135 of the Gujarat Police Act as well as subsequent proceedings of the said case/F.I.R.

5. Learned advocate for the applicant-original accused has taken this Court through the allegations leveled in the impugned F.I.R. At the outset learned

advocate for the applicant submits that the dispute between the parties has been amicably resolved due to interference of the elders of the respective parties and now the complainant i.e. respondent No. 2 has no grievance regarding the alleged incident against the present applicant.

Reliance is placed upon the affidavit filed by respondent No. 2-first informant dated 30.08.2014 wherein it is mentioned that the alleged incident was occurred due to the misunderstanding on both parts. It is categorically averred that both the parties have decided to settle the issue amicably and now the dispute between the parties has been resolved due to interference of the elders of the respective parties and due to interference and persuading by friends and neighbour and he has decided to compromise with the present applicant. It is specifically stated that he has no objection if the F.I.R. is quashed and the prayer made by the applicant in the present application is granted by this Court.

6. Learned advocate for the applicant-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 the respondent No. 2, has reiterated the contentions raised by the learned advocate for the applicant-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 substantiate the identity, copy of the driving license as well as the election card of respondent No. 2 is tendered, which is taken on record.

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 is amicably resolved outside the court, 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 applicant would be unnecessary harassment to the applicant 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. I-168 of 2014 registered at "B" Division Police Station, Dist. Mahesana 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.