

(2022) 05 GUJ CK 0069

In the Gujarat High Court

Case No : R/Criminal Misc.Application No. 8566 Of 2022

Devajibhai Jogajibhai Rajput

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 16-05-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Gujarat Land Grabbing (Prohibition) Act, 2020 — Section 3, 4(3), 5(C)

Citation : (2022) 05 GUJ CK 0069

Hon'ble Judges : Biren Vaishnav, J

Bench : Single Bench

Advocate : Alpeshkumar B Rajput, Nisarg D Shah, Ronak Raval

Final Decision : Allowed

Judgement

Biren Vaishnav, J

1. Mr. Jucky Lucky Chan, learned advocate states that he has instructions to appear for and on behalf of the original complainant. He is permitted to file his Vakaltnama.

2. Considering the issues 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 the original complainant has been resolved amicably, this application is taken up for final disposal forthwith.

3. Rule. Learned Additional Public Prosecutor as well as learned advocate appearing for the complainant waive service of Rule on behalf of the respective respondents.

4. 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 F.I.R. bearing C.R.No. 11195045220122 of 2022 registered with Suigam Police Station, Banaskantha for the offences

punishable under Sections 3, 4(3), 5(C) of the Gujarat Land Grabbing (Prohibition) Act of the Indian Penal Code and to quash all other consequential proceedings arising out of the aforesaid FIR qua the applicants.

5. Heard learned advocates for the respective parties. They submit that during the pendency of present application, the matter is amicably settled amongst the parties and therefore, any further continuation of the proceedings pursuant to the impugned FIR would create hardship to the parties and further continuation of the proceedings would amount to abuse of process of law. They have placed on record the settlement affidavits duly sworn by the original complainant as well as applicants which state inter-alia the fact that the matter is amicably settled with the applicant. The original complainant as well as applicants are present in person before the Court and are identified by learned advocates who also admit the contents of the Affidavits. On inquiry made by the Court, the original complainant has declared before this Court that the dispute between the applicant(s) and original complainant is resolved and therefore, now the grievance stands redressed. It is therefore submitted that the present application may be allowed.

6. Having heard the learned advocates for the parties and considering the facts of settlement and law laid down by the Apex Court in various decisions, this Court is of the considered view that further continuation of the criminal proceedings in relation to the impugned FIR would mean nothing but unnecessary harassment to the parties and trial thereon would be futile and further continuation of the proceedings would amount to abuse of process of law. Thus, to secure the ends of justice, the impugned FIR is required to be quashed and set aside in exercise of powers conferred under Section 482 of the Code.

7. Resultantly, this application is allowed and the impugned FIR No. 11195045220122 of 2022 registered with Suigam Police Station, Dist. Banaskantha filed against present applicants is hereby quashed and set aside and all other proceedings arising out of the aforesaid FIR are also quashed and set aside qua the applicants. Accordingly, Rule is made absolute. Direct service permitted.