

(2020) 11 GUJ CK 0035
In the Gujarat High Court

Case No : R/Criminal Misc.Application No. 14858 Of 2020

Dilip Arjunbhai Parmar

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 26-11-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 294B, 323, 324

Citation : (2020) 11 GUJ CK 0035

Hon'ble Judges : A.G.Uraizee, J

Bench : Single Bench

Advocate : Nisarg Rawal, Nitin T Gandhi, Hardik Soni, Rohankumar M Amin

Final Decision : Allowed

Judgement

A.G.Uraizee , J

1. Heard the learned advocates appearing for the respective parties. Learned advocate Mr. Rohankumar M. Amin, learned advocate for the

respondent No.2 states that the matter is settled between the parties.

2. Rule returnable forthwith. Mr. Soni, the learned APP waives service of notice of rule for and on behalf of the respondent No.1-State of Gujarat.

Mr. Rohankumar M. Amin, the learned advocate waives service of notice of rule for and on behalf of the respondent No.2 original complainant.

3. Considering the issue 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 applicant and respondent No.2 has been resolved amicably, this application is taken up for final

disposal forthwith.

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. being C.R.No.I-11191066200925 of 2020 registered with Vasna Police Station, Ahmedabad for the

commission of offence punishable under Sections 323, 324, 294B of the Indian Penal Code.

5. Learned advocate for the applicant has taken this Court through the factual matrix of the present application. At the outset, it is submitted that the

parties have amicably resolved the issue, and therefore, any further continuance of the proceedings pursuant to the impugned FIR as well as any

further proceedings arising therefrom would create hardship to the applicant. It is submitted that respondent No.2 has resolved upon intervention of

eminent persons of the society. It is further submitted that in view of the fact that the dispute is resolved, the trial would be futile and any further

continuance of the proceedings would amount to abuse of process of law. It is therefore submitted that this Court may exercise its inherent powers

conferred under Section 482 of the Code and allow the application as prayed for.

6. Mr. Soni, learned APP submits that this court may pass appropriate order in view of the settlement between the parties. He further submits that the

settlement between the parties is verified through the Investigating Officer. He submits that the court may pass appropriate order in view of the

settlement between the parties.

7. Learned advocate for the respondent No.2 has reiterated the contentions raised by the learned advocate for the applicant. The learned advocate for

the applicant and learned advocate for the respondent No.2 have relied upon the affidavit filed by respondent No.2 original complainant dated

30.09.2020 which reads as under:

"I Pravin Kadubhai Solanki Aged: 35 years, Occupation: Business, male, Residing at : A3 Ratnadeep Soc, Jivrajpark, the respondent No.2 herein,

do hereby state on solemn affirmation as under:-

1. I say and submit that I am the original complainant of FIR being C.R. No. I-11191066200925/2020 dated 22/09/2020 registered with Vasna Police

Station, for the offence under Sections 323, 324, 294B, of the Indian Penal Code; I have filed above mention complaint against the present petitioners.

2. I say and submit that I have filed aforesaid complaint against the petitioner.
3. I further say and submit that as stated above, due to indulgence of respected members known to each other now the matter is settled. And I have no dispute left with regard to subject matter of Fir with the applicants.
4. I further say and submit that I am not interested to proceed with the matter and now I have no grievances against the present petitioners, as the matter is settled between the parties and if the FIR registered vide FIR being C.R. No.I-11191066200925/2020 dated 22/09/2020 registered with Vasna Police Station, for the offence under Sections 323, 324, 294B, of the Indian Penal Code; may be quashed and set aside than I have no objection.
5. In view of the aforesaid facts and circumstances, I pray to this Honâ??ble Court that the impugned FIR and further proceedings may be quashed and set aside by this Honâ??ble Court I have no objection if it is quashed.
- What is stated above is true to the best of my knowledge, information and belief and I believe the same to be true and correct. Explained to me in Gujarati.â??
8. Considering the peculiar facts, I am of the view that no fruitful purpose would be served and the trial against the applicant would be a futile exercise. Hence, in my view the FIR is required to be quashed.
9. Resultantly, this application is allowed and the impugned FIR being C.R.No.I-11191066200925/2020 registered with Vasna Police Station, Ahmedabad filed against the present applicant is hereby quashed and set aside. Consequently, all other proceedings arising out of the aforesaid FIR are also quashed and set aside. Rule is made absolute.
10. Registry is also directed to serve the copy of this order via e-mail to the concerned authority.