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(2018) 01 GUJ CK 0041

In the Gujarat High Court

Case No : 34777 of 2016

HARCHARANSING HARDUTTSING RATHOR & Ors — APPELLANT

Vs

STATE OF GUJARAT & Anr — RESPONDENT

Date of Decision : 25-01-2018

Acts Referred:
Code of Criminal Procedure, 1973, Section 482 - Saving of inherent powers of High Court
Indian Penal Code, 1860, Section 420, Section 114, <a href=

Citation : (2018) 01 GUJ CK 0041

Hon'ble Judges : J.B.Pardiwala

Bench : Single Bench

Advocate : KISHAN H DAIYA, KISHAN PRAJAPATI, THAKKAR

Final Decision : Allowed

Judgement

1. Leave to add the original accused No.1 in the cause title.

2. Rule returnable forthwith. Ms. Thakkar, the learned Additional Public Prosecutor, waives service of notice of rule for and on behalf of the

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

complainant and waives service of notice of rule.

3. 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 I C.R. No. 85 of 2016 lodged before the Chokbazar Police Station, Surat of the offence

punishable under sections 498(A), 323, 504,506(2), 120(B), 406, 420 read with 114 of the Indian Penal Code and sections 3 and 7 of the

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Dowry Prohibition Act 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- Paramjeet Kaur W/o. Gurnamsing

Rathor is personally present and she confirms about the settlement arrived at with the accused persons. The respondent No.2- Paramjeet Kaur

W/o. Gurnamsing Rathor is identified by her learned advocate Mr. Poojara. Smt. Paramjeet Kaur W/o. Gurnamsing Rathor has also filed an

affidavit, inter alia, stating as under:

I, Paramjeetkaur W/o. Gurnamsing Rathor, Aged 30 years Residing at : 59, Vishnunagar Society, Opp Vastukal Complex, Ved Road, Surat, the

respondent no.2 Ori. Complainant files this affidavit as under:

It is submitted that I am the Ori. Complainant who has filed the complaint with Chokbazar Police Station, Surat as CR No.I-85 of 2016 against

my husband and other in laws members. It is submitted that after registration of the above referred complaint with the help of relatives and

community people now the dispute is amicably settled between us including husband and there is no grievance remain between me and my husband

and qua him also dispute is settled and I do not want to proceed with my client and there is no ill will or grievance remain amongst us and it is

further submitted that I and my husband have decided to be separated from each other and therefore I earnestly urge this Hon''ble Court to

terminate the proceedings as prayed by petitioners in the interest of justice.

What is stated hereinabove is true to the best of my knowledge information and belief and I believe the same to be true.

Solemnly affirmed at Ahmedabad on this 25th day of January, 2018.

4. 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.

5. In the result, this application is allowed. The first information report being I C.R. No. 85 of 2016 lodged before the Chokbazar Police Station,

Surat 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. Mahesh Poojara, the learned

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advocate appearing on behalf of the respondent No.2.

Direct service is permitted.

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