

(2019) 11 GUJ CK 0022

In the Gujarat High Court

Case No : R/Special Criminal Application No. 10238 Of 2019

Hardik Rajeshbhai Raval

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 29-11-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 114, 298, 323, 498(A), 506(2)
Dowry Prohibition Act, 1961 — Section 3, 7

Citation : (2019) 11 GUJ CK 0022

Hon'ble Judges : S.H.Vora, J

Bench : Single Bench

Advocate : Nishit P Gandhi, Pranav Trivedi

Final Decision : Allowed

Judgement

S.H.Vora, J

[1] Learned advocate Mr. Anshul Shah, states that he has instructions to appear for respondent No.2 - complainant. Learned advocate for respondent complainant is permitted to file appearance.

[2] Learned advocate Mr. Anshul Shah confirms identity of respondent No.2 - original complainant, who is present in the Court and admits correctness and genuineness of the affidavit filed by the complainant through learned advocate Mr. Anshul Shah, which is annexed at Annexure C.

[3] Rule. Learned A.P.P. and learned advocate Mr. Anshul Shah waive service of Rule for respondent Nos.1 and 2 respectively. Learned APP objects quashment of present proceedings on the premise of settlement.

[4] With the consent of learned advocate for the applicants and learned advocate for the respondents, present application is taken up for final disposal today. The parties are present before the Court alongwith their respective learned advocates.

[5] By way of the present application under Section 482 of the Code of Criminal Procedure, 1973 (for short, the 'Code'), the applicants pray for quashing and setting aside the F.I.R. being C.R.No.I-23 of 2016 registered with Mahila Police Station, Ahmedabad for the offence punishable under Sections 498(A), 323, 298, 506(2), 114 of the Indian Penal Code and u/s 3 and 7 of Dowry Prohibition Act.

[6] Learned advocate for the applicants has taken this Court through the factual matrix arising out of the present application.

[7] At the outset, it is submitted that the parties have amicably resolved the dispute. In support of such submission made at bar by the learned advocates appearing for the respective parties, they have placed on record affidavit of settlement of dispute duly signed by the respondent No.2 - original complainant, who is present before the Court.

[8] Since now, the dispute with reference to the impugned F.I.R. is settled and resolved by and between parties which is confirmed by the original complainant through learned advocate, the trial would be futile and any further continuation of proceedings would amount to abuse of process of law. Therefore, the impugned F.I.R. is required to be quashed and set aside.

[9] Resultantly, this application is allowed. Impugned F.I.R.

being C.R.No.I-23 of 2016 registered with Mahila Police Station, Ahmedabad and all other consequential proceedings arising out of the impugned FIR against the present applicants is hereby quashed and set aside. Rule is made absolute to the aforesaid extent. Direct service is permitted.