

(2018) 02 GUJ CK 0025
In the Gujarat High Court
Case No : 312 of 2018

HIMANSHU VINODCHANDRA SHAH & ANR

APPELLANT

Vs

STATE OF GUJARAT & ANR

RESPONDENT

Date of Decision : 05-02-2018

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 482](#) - Saving of inherent powers of High Court
[Indian Penal Code, 1860](#), [Section 420](#),
[Section 468](#), [Section 468](#)

Citation : (2018) 02 GUJ CK 0025

Hon'ble Judges : J.B.Pardiwala

Bench : Single Bench

Advocate : PARESH M DARJI, THAKKAR

Final Decision : Allowed

Judgement

1. 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. Tanmay Karia, the learned advocate, has entered appearance on behalf of the respondent No.2-original

complainant and waives service of notice of rule.

2. 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. 15 of 2016 lodged before the Malpur Police Station, Arvalli of the offence

punishable under sections 406, 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code 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-Shri Alkhabhai Homabhai Parmar is personally present and he confirms about the settlement arrived at with the

accused persons. The respondent No.2-Shri Alkhabhai Homabhai Parmar is identified by his learned advocate Mr. Tanmay Karia. Shri Alkhabhai

Homabhai Parmar has also filed an affidavit, inter alia, stating as under:

I, undersigned..Alkhabhai Homabhai Parmar, Hindu by religion, aged about 46 years, residing at Meru (Bethali), Tal. Bhiloda, dist. Arvalli, do

hereby state on solemn affirmation and filed this affidavit as under:

1) I state that I am the complainant of first Cri. No.015/2016 dtd. 6/3/2016 and I have lodged the above FIR for the land situated at Survey

No.9/1 admeasuring 0- 51-60 sq. mtrs. And survey no.6 admeasuring 1-66-93 sq. mtrs. In total 2-18-53 sq. mtrs. Situated at Mouje Village

Meru, (Bethali). The above land was in the joint name of my as well as my sister Kaviben and Jiviben and Bachubhai Homabhai Parmar. Such land

is ancestral property of our family. We have never sold such land to anybody. We have taken finance from the ICICI Bank for purchase of tractor

in the year 2006 and at the relevant point of time the 7/12 and 8/A was required and therefore we have inquired in the Mamlatdar office for such

documents. In the year 2006 I came to know that the petitioners have obtained one bogus Khedut Khatedar Certificate on our land and based

upon the same the petitioner become bogus Khedut Khatedar and have purchased another land in the village Gajan at survey no. 98 in the year

2006 and for purchase of the said bogus Khedut Khatedar Certificate of my land has been produced for the above land and for that a criminal

case being 578/2016 came to be registered before the Malpur Court.

2) I complainant by this affidavit declared that even there was no transaction so far my land situated at Survey no.9 and survey no. 6/1 and the

same is in my possession and the same is in my name and even revenue record also refers my name as owner and occupier and for that no other

writings have been made to anybody else. At relevant point of time I have under misconception filed the present FIR against the petitioners. In this

case the police has investigated and filed a charge sheet but no such forged or bogus document seized by the police authority to indulge the

petitioners in the criminal offence and no offence is made out. Even in revenue proceedings dispute with regard. to the petitioners being Khedut

Khatedar has been resolved and necessary orders has been passed.

3) I state that the dispute between the complainant and the petitioners (accused) has now been resolved amicably and the complainant do not want to proceed further with the FIR and I have no objection if the Hon''ble Court pass the order for quashing of the FIR and such affidavit is filed for above purpose.

What is stated is true and correct to the best of my knowledge and belief information and content are explained in Gujarati also.

Solemnly affirmed at Ahmedabad on this 5th day of February, 2018.

3. 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.

4. In the result, this application is allowed. The first information report being I-C.R. No. 15 of 2016 lodged before the Malpur Police Station,

Arvalli 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. Tanmay Karia, the learned advocate appearing on behalf of the respondent No.2.

Direct service is permitted.