

(2020) 01 GUJ CK 0066

In the Gujarat High Court

Case No : R/Special Criminal Application No. 10758 Of 2019

Ishanbhai Shirishbhai Gandhi

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 06-01-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 143, 147, 148, 149, 323, 325, 374, 395, 502(2), 504

Gujarat Police Act, 1951 — Section 135

Citation : (2020) 01 GUJ CK 0066

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

Bench : Single Bench

Advocate : P P Majmudar, Manan Mehta

Final Decision : Allowed

Judgement

S.H.Vora, J

Considered the averments made in the Speaking to Minutes.

In order dated 20.12.2019, instead of "FIR being C.R. No.I - 224 of 2017", it should be read as "FIR being C.R. No.I - 225 of 2017".

The Note for Speaking to Minute is disposed of accordingly.

Date : 20/12/2019

[1] Learned advocate Mr. Amrish K. Pandya, states that he has instructions to appear for respondent No.2 - complainant and victims Mr. Fakirbhai Kahar and Ms. Kapilaben Contractor (Parmar). Learned advocate for respondent complainant is permitted to file appearance.

[2] Learned advocate Mr. Amrish K. Pandya confirms identity of respondent No.2 - original complainant and victims Mr. Fakirbhai Kahar and Ms. Kapilaben Contractor (Parmar), who are present in the Court and admit correctness and

genuineness of the affidavit filed by them through learned advocate Mr. Amrish K. Pandya, which is annexed at Annexure C. Affidavits of the victims are ordered to be taken on record.

[3] Rule. Learned A.P.P. and learned advocate Mr. Amrish K. Pandya 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-224 of 2017 registered with Manjalpur Police Station for the offence punishable under Sections 395, 394, 143, 147, 148, 149, 325, 323, 504, 502(2) of the Indian Penal Code and u/s 135 of the G.P. 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 and victims Mr. Fakirbhai Kahar and Ms. Kapilaben Contractor (Parmar), who are 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 and victims Mr. Fakirbhai Kahar and Ms. Kapilaben Contractor (Parmar) through their 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-224 of 2017 registered with Manjalpur Police Station 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.