

**(2012) 09 GUJ CK 0116**  
**In the Gujarat High Court**

**Case No :** Criminal Miscellaneous Application No. 10664 of 2012

Jagdish Balisinh Chauhan

APPELLANT

Vs

State of Gujarat and 1

RESPONDENT

**Date of Decision :** 05-09-2012

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 482

**Citation :** (2012) 09 GUJ CK 0116

**Hon'ble Judges :** Rajesh H Shukla, J

**Bench :** Single Bench

**Advocate :** M.M. Tirmizi, for the Appellant; H.L. Jani, Assistant Public Prosecutor for Respondents 1 and Mr. Kalpesh N Shastri for Respondent 2, for the Respondent

**Final Decision :** Allowed

## **Judgement**

Honourable Mr. Justice Rajesh H. Shukla

1. Rule. Service of notice of Rule is waived by learned APP Shri HL Jani for Respondent No. 1-State and learned advocate Shri Kalpesh Shastri for respondent No. 2-original complainant. The present petition has been filed by the petitioner u/s 482 of the Code of Criminal Procedure for the prayer that FIR belong C.R. No. I- 88/2012 registered with Vastrapur Police Station, Ahmedabad City, may be quashed and set aside on the grounds stated in the petition.

2. Learned advocate Shri M.M.Tirmizi for the petitioners and learned advocate Shri Kalpesh Shastri for respondent No. 2 original complainant have stated that the parties have arrived at an amicable settlement for which the affidavit of respondent No. 2, who is present in the court, is produced stating that they have compromised before the Civil Court and he has no objection if the FIR is quashed and set aside. The compromise purshis produced before the Civil Judge (S.D.), Ahmedabad Rural, in Special Civil Suit No. 709 of 2011 is also produced.

3. In the facts and circumstances and in view of the aforesaid purshis recording

the compromise and also in view of the guidelines laid down by the Hon''ble Apex Court in a judgment in the case of Madan Mohan Abbot Vs. State of Punjab, , the present petition deserves to be allowed. The Hon''ble Apex Court in the said judgment has observed that where the dispute is of a private nature and the parties have arrived at amicable settlement, the FIR may be quashed. The present petition therefore deserves to be allowed and accordingly stands allowed. Prayer in terms of para 10(A) is granted. FIR being C.R. No. I- 88/2012 registered with Vastrapur Police Station, Ahmedabad City, is hereby quashed and set aside. Rule is made absolute.