

(2019) 11 GUJ CK 0027

In the Gujarat High Court

Case No : R/Special Criminal Application No. 9833 Of 2019

Jayeshkumar Shantibhai Parikh

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 29-11-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(R)(S)(U), 3(1)ZA(D)

Citation : (2019) 11 GUJ CK 0027

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

Bench : Single Bench

Advocate : Dhruv K Dave, Pranav Trivedi

Final Decision : Allowed

Judgement

S.H.Vora, J

[1] Learned advocate Mr. Masood Iqbal Rathod, 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. Masood Iqbal Rathod 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. Masood Iqbal Rathod, which is produced before this Court and the same is ordered to be taken on record.

[3] Rule. Learned A.P.P. and learned advocate Mr. Masood Iqbal Rathod 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.II - 364 of 2019 registered with Waghodia Police Station, Vadodara Rural for the offence punishable under Sections 3(1)(R) (S)(U) and 3(1)ZA(D) of the Atrocities 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.II - 364 of 2019 registered with Waghodia Police Station, Vadodara Rural 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.