

(2011) 11 GUJ CK 0021

In the Gujarat High Court

Case No : Criminal Miscellaneous Application No. 966 of 2009

Jigar Vinodbhai Patel and 3

APPELLANT

Vs

State of Gujarat and 1

RESPONDENT

Date of Decision : 11-11-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Dowry Prohibition Act, 1961 — Section 3, 7
Penal Code, 1860 (IPC) — Section 114, 323, 420, 498A, 504

Citation : (2011) 11 GUJ CK 0021

Hon'ble Judges : M.R. Shah, J

Bench : Single Bench

Advocate : B.P. Gupta s -4, for the Appellant; Jaswant K. Shah, APP for Respondent(s) : 1 and Mr. U.I. Vyas for Respondent(s) : 2, for the Respondent

Judgement

Honourable Mr. Justice M.R. Shah

1. In the facts and circumstances of the case and with the consent of the learned advocates appearing on behalf of the respective parties and as it is reported that the parties have amicably settled the dispute, the present application is taken up for final hearing today.

2. The present application u/s 482 of the Code of Criminal Procedure has been preferred by the applicants - original accused of FIR being C.R. No. I -1/2009 registered with Isanpur Police Station, Ahmedabad for the offences punishable under Sections 498-A, 323, 504, 506(2), 420 and 114 of the Indian Penal Code and Sections 3 and 7 of the Dowry Prohibition Act.

3. Respondent no. 2 is personally present in the Court and has admitted the consent terms dated 17/11/2011 by submitting that due to intervention of the family members, dispute has been settled between the parties and, therefore, she has no objection if the impugned FIR/Complaint is quashed and set aside.

4. Learned advocates appearing on behalf of the respective parties have relied

upon the decision of the Hon"ble Supreme Court in the case of Madan Mohan Abbot Vs. State of Punjab, in the case of Nikhil Merchant V/s. Central Bureau of Investigation and another reported in 2009 (1) GLH 31 as well as in the case of Manoj Sharma V/s. State and others reported in 2009(1) GLH 190.

5. Having heard the learned advocates appearing on behalf of the respective parties and considering the facts stated hereinabove and as the parties have amicably settled the dispute and consent terms have been arrived at between the parties and the dispute seems to be private in nature and considering the aforesaid decisions of the Hon"ble Supreme Court, it appears to the Court that to continue criminal proceedings against the applicants - original accused will be unnecessary harassment to the applicants and the same shall not be in the interest of the parties.

6. In view of the above and for the reasons stated hereinabove, the impugned FIR/Complaint, being C.R. No. I -1/2009 registered with Isanpur Police Station, Ahmedabad for the offences punishable under Sections 498-A, 323, 504, 506(2), 420 and 114 of the Indian Penal Code and Sections 3 and 7 of the Dowry Prohibition Act lodged against the applicants - original accused is hereby quashed and set aside so far as the applicants are concerned. Rule is made absolute accordingly.