

(2018) 01 GUJ CK 0052
In the Gujarat High Court
Case No : 31551 of 2017

MOHIT SHYAMRATAN CHHAPARWAL & ORS.

APPELLANT

Vs

STATE OF GUJARAT & ANR.

RESPONDENT

Date of Decision : 08-01-2018

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 482](#) - Saving of inherent powers of High Court
[Indian Penal Code, 1860](#), [Section 420](#),
[Section 406](#) - Cheatin

Citation : (2018) 01 GUJ CK 0052

Hon'ble Judges : J.B.Pardiwala

Bench : Single Bench

Advocate : PRAVIN GONDALIYA, MITESH AMIN, DEVNANI

Judgement

1. Rule returnable forthwith. Mr. Devnani, the learned Additional Public Prosecutor, waives service of notice of rule for and on behalf of the

respondent No.1-State of Gujarat. Mr. Mahesh Poojra, 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. 197 of 2017 lodged before the Gorva Police Station, Vadodara of the offence

punishable under sections 406 and 420 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-Ashvin

Jasubhai Patel is personally present and he confirms about the settlement arrived

at with the accused persons. The respondent No.2- Ashvin

Jasubhai Patel is identified by his learned advocate Mr. Poojara. Shri Ashvin Jasubhai Patel has also filed an affidavit, inter alia, stating as under:

I, the undersigned, Ashvinbhai Jasubhai Patel, Aged 71 years, male, Occu: retired, having address at C/18, Mehula Society Group-1, Opp: Vadil

Parivar, Shubhanpura, Vadodara, the original informant/complainant in the Petition filed by Mohit Shayamratan Chhapparwal and others for the

purpose of quashing of the F.I.R. filed by my wife vide 1st C R. No.197 of 2017 before Gorva Police Station, Vadodara for the offences

punishable u/s. 406 and 420 of IPC.

I say and submit that due to intervention of the respected members of the family and society mutual understanding and agreement is arrived

between me and Original Accused persons in the above said F.I.R I.e. Mohit Shyamratan Chhapparwal and others and now all the confusions are

over which were arose due to some private dispute and now I don't have any grievance with them i.e., Applicants. I say that I have no objection if

FIR filed by me is quashed qua the petitioners.

I state that what is stated herein above is true and correct to the best of my knowledge, information and belief and I believe the same to be true.

Solemnly affirmed at Ahmedabad on this 8th day of January, 2018.

3. Mr. Gondaliya, the learned counsel appearing for the applicants-original accused persons, handed over a demand draft drawn in favour of the

complainant, namely, Ashvinbhai Jasubhai Patel of the amount of Rs.1,88,270/- to Mr. Poojara, the learned counsel appearing for the

complainant. The demand draft, in turn, is being handed over to the complainant Mr. Ashvinbhai Patel.

4. 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.

5. In the result, this application is allowed. The first information report being I C.R. No. 197 of 2017 lodged before the Gorva Police Station,

Vadodara is hereby ordered to be quashed. All consequential proceedings arising from the same also stands terminated. Rule is made absolute.

The Registry shall accept the Vakalatnama of Mr. Mahesh Poojara, the learned

advocate appearing on behalf of the respondent No.2. Direct service is permitted.