

(2019) 03 GUJ CK 0027

In the Gujarat High Court

Case No : R/Special Criminal Application No. 2650 Of 2013

Nanakram Hiranand Udani & 3 Other(S)	APPELLANT
Vs	
State Of Gujarat & 1 Other(S)	RESPONDENT

Date of Decision : 12-03-2019

Acts Referred:

Indian Penal Code, 1860 — Section 114, 323, 406, 498A, 504
Dowry Prohibition Act, 1961 — Section 3, 7

Citation : (2019) 03 GUJ CK 0027

Hon'ble Judges : Umesh A. Trivedi, J

Bench : Single Bench

Advocate : Sk Bagga, Krunal L Shahi, Dharmesh Devnani

Final Decision : Allowed

Judgement

1. RULE. Shri Dharmesh Devnani, learned Additional Public Prosecutor waives service of notice of rule on behalf of respondent no.1 and Shri Krunal Shahi, learned advocate waives service of notice of rule on behalf of respondent no.2.

2. By way of this petition, the petitioners - accused seek quashing of the FIR filed by respondent no.2 herein for the alleged offences punishable under Sections 498 A, 406, 323, 504 and 114 of the Indian Penal Code and Sections 3 and 7 of the Dowry Prohibition Act, 1961 registered with Mahila Police Station, Ahmedabad vide C.R. No. I 27 of 2013.

3. Shri Krunal L. Shahi, learned advocate for respondent no.2 produced on record the deed of divorce executed between petitioner no.1 and respondent no.2 herein and thereby they put an end to the matrimonial tie. The copy of the deed of divorce is taken on record. Today, respondent no.2 - original complainant is present in the Court, who is duly identified by learned advocate Shri Krunal L. Shahi. She has also made it clear that she does not wish to proceed further with the FIR filed against the in-laws, who have preferred this petition for quashing of the FIR.

4. Since, it being matrimonial dispute and it is settled between the parties, no fruitful purpose would be served to continue with the FIR and investigation thereon, and therefore, the impugned FIR, being C.R. No. I 27 of 2013 registered with Mahila Police Station, Ahmedabad, for the alleged offences punishable under Sections 498 A, 406, 323, 504 and 114 of the Indian Penal Code and Sections 3 and 7 of the Dowry Prohibition Act, 1961 and any proceedings pursuant thereto initiated are hereby quashed and set aside.

5. In view thereof, present petition is allowed. Rule is made absolute accordingly.