

**(2025) 11 GUJ CK 1861**  
**In the Gujarat High Court**

**Case No :** R/Criminal Misc.Application (For Consent Quashing) No. 23067 Of 2025

Nayanbhai Kalyanbhai Sutariya

APPELLANT

Vs

State Of Gujarat & Anr

RESPONDENT

**Date of Decision :** 21-11-2025

**Acts Referred:**

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 528  
Indian Penal Code, 1860 — Section 120B, 406, 420

**Citation :** (2025) 11 GUJ CK 1861

**Hon'ble Judges :** Vimal K. Vyas, J

**Bench :** Single Bench

**Advocate :** Toms C Mathai, Krina P. Calla

**Final Decision :** Allowed

## Judgement

Vimal K. Vyas, J

1. Learned advocate Mr. Chetan Darji appears and submits that he has instructions to appear on behalf of the respondent no.2 – original complainant. He is permitted to file his appearance. Registry shall accept his vakalatnama.

2. By way of preferring the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant-accused seeks to invoke the inherent powers of this Court, praying to quash and set-aside the First Information Report No. 11191011200168 of 2020 registered with the D.C.B. Police Station, Ahmedabad City, for the offences punishable under Sections 406, 420, 120B of the Indian Penal Code, as well as all other consequential proceedings arising pursuant thereto.

3. Today, when the matter is called out, the complainant, who is personally present before this Court, has produced his identity proof as well as an affidavit. The same are ordered to be taken on record. In the said affidavit, the complainant has categorically stated that with the intervention of the friends,

family members and community people, the dispute has been amicably resolved and there is no ill-will or any grievance amongst them.

4. Considering the issue involved in the present application as well as considering the fact that the dispute has been amicably resolved between the parties, with the consent of the learned advocates appearing for the respective parties, the present application is taken up for final disposal.

5. RULE returnable forthwith. Learned APP Mr. Manan Maheta waives service of notice of rule for and on behalf of the respondent no.1 – State and learned advocate Mr. Chetan Darji waives service of notice of rule for and on behalf of the respondent no.2 – complainant.

6. Learned advocate for the applicant-accused has submitted that since the dispute has been amicably resolved between the parties, the application may be allowed and the impugned FIR may be quashed and set-aside.

7. The complainant, who is personally present in the Court, has categorically stated before this Court that he has no objection if the application is allowed and the FIR is quashed and set-aside. Thus, it appears from the aforesaid that sending the applicant-accused to face the trial would be nothing but a futile exercise and would amount to abuse of process of law.

8. The relevant paragraph of the affidavit reads thus :

"3. That I, hereby accord my free and voluntary consent to the quashing of F.I.R. No.11191011200168 dated 06.11.2020 and Chargesheet No.35/21 and Criminal Case 103711/2021 proceedings pending before the 3rd Addl. Chief Judicial Magistrate at Metropolitan Magistrate Court No.11, Gheekanta - Ahmedabad.

4. That the said consent is being furnished of my own volition and free will, without any form of coercion, undue influence, or compulsion from any quarter."

9. Having heard learned advocates appearing for the respective parties as well as considering the facts and circumstances arising out of the present application and taking into consideration the decisions rendered in the cases of Gian Singh vs. State of Punjab & Another, reported in (2012) 10 SCC 303, Madan Mohan Abbot vs. State of Punjab, reported in (2008) 4 SCC 582, Nikhil Merchant vs. Central Bureau of Investigation & Another, reported in (2009) 1 GLH 31, Manoj Sharma vs. State & Others, reported in (2009) 1 GLH 190, and Narinder Singh & Others vs. State of Punjab & Another, reported in (2014) 2 Crime 67 (SC) as well as State of Haryana vs. Bhajanlal, reported in AIR 1992 SC 604, it appears that further continuation of the criminal proceedings in relation to the impugned FIR against the applicant-accused would be nothing but unnecessary harassment to the applicant-accused. It further appears that the trial would be a futile exercise and continuing further with the proceedings pursuant to the impugned FIR would amount to abuse of process of law. Hence, to secure the ends of justice, the impugned FIR and all other consequential proceedings arising pursuant thereto are required to be quashed and set-aside in exercise of the powers conferred

under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

10. In the result, the application is allowed. The proceedings of the First Information Report No. 11191011200168 of 2020 registered with the D.C.B. Police Station, Ahmedabad City, for the offences punishable under Sections 406, 420, 120B of the Indian Penal Code, as well as all other consequential proceedings arising pursuant thereto are hereby ordered to be quashed and set-aside.

11. Rule made absolute. Direct service is permitted.