

**(2017) 11 GUJ CK 0003**  
**In the Gujarat High Court**  
**Case No : 6155 of 2017**

NAYI VARSHABEN D/O. BALDEVBHAI (VALAND) & ORS.

APPELLANT

Vs

STATE OF GUJARAT & ANR.

RESPONDENT

**Date of Decision :** 03-11-2017

**Acts Referred:**

[Code of Criminal Procedure, 1973](#), [Section 482](#) - Saving of inherent powers of High Court  
[Indian Penal Code, 1860](#), [Section 395](#),  
[Section 427](#), [Section 452](#), [Section 504](#), [Section 506\(2\)](#) -  
Punishment for dacoity - Mischief causing damage to the amount of fifty rupees -  
House -trespass after preparation for hurt, assault or wrongful restraint - Intentional  
insult with intent to provoke breach of the peace - Punishment for criminal ,intimidation

**Citation :** (2017) 11 GUJ CK 0003

**Hon'ble Judges :** J.B.Pardiwala

**Bench :** Single Bench

**Advocate :** JIGAR M THAKORE, ?YOGENDRA THAKORE, ?PARESH M DARJI, ?  
DEVNANI

**Final Decision :** Allowed

## 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. Paresh M. Darji, 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.13 of 2017 lodged before the Bavlu Police Station of the offence punishable under sections 395, 452, 427, 504 and 506(2) 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-Patel Ambalal Bhikhabhai is personally present and he confirms about the settlement arrived at with the accused persons. The respondent No.2- Patel Ambalal Bhikhabhai is identified by his learned advocate Mr. Paresh M. Darji. Shri Patel Ambalal Bhikhabhai has also filed an affidavit, inter alia, stating as under:

"I, Shri Patel Ambalal Bhikhabhai, Aged about 51 years, Residing at Meda-Adaraj, Taluka: Kadi, District- Mehsana do hereby solemnly affirm and state on oath as under;

1. I am the original complainant of C.R. I-13 of 2017 filed before Bavlu Police Station for the offence punishable under section 395, 504, 506(2), 427, 452 of the Indian Penal Code and section 135 of the Gujarat Police Act.

2. The petitioners further states that due to the intervention of interveners and having realized consequences of the action taken, both the parties have decided to bury the hatchet and arrived at an amicable settlement. I state that the dispute between the applicants and deponent has been settled and have to obey the terms of settlement as agreed between the parties. I say and submits to this Honourable Court that amicable settlement had arrived between the parties and therefore the deponent respectfully states and submits that the complainant-deponent (respondent No.2) have no objection if the criminal complaint being C.R. No.I-13 of 2017 filed before Bavlu Police Station is quashed. I further say and submit that the deponent have no grievances against the petitioner.

3. That I do not want to pursue any criminal proceedings as registered by Bavlu Police station on the basis of the information submitted to the police. Even the cross FIR being I 12 of 2017 filed by the petitioner Number 1 wherein the deponent has also filed quashing being 13472 of 2017 and in view of the settlement arrived at between the parties both the FIR filed by the respective parties come to an end.

4. What is stated hereinabove is true to the best of my knowledge information and belief and I believe the same to be true.

Solemnly affirmed at Ahmedabad on 3rd of November, 2017."

3. 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.

4. In the result, this application is allowed. The first information report being I-C.R. No.13 of 2017 lodged before the Bavlu Police Station 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. Paresh M. Darji, the learned advocate appearing on behalf of the respondent

No.2.

Direct service is permitted.