

(2020) 02 GUJ CK 0042

In the Gujarat High Court

Case No : R/Criminal Misc. Application No. 3660 Of 2020

Pankajsingh Dilipsingh Tomar

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 18-02-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 114, 294(b), 323

Citation : (2020) 02 GUJ CK 0042

Hon'ble Judges : S.H.Vora, J

Bench : Single Bench

Advocate : Samir Afzal Khan, Mitesh Amin, Manan Mehta

Final Decision : Allowed

Judgement

S.H.Vora, J

1. Learned advocate Mr.Aamir Khan Pathan states that he has instructions to appear for respondent No.2 â?" complainant. He is permitted to file his

Vakalatnama.

2. Respondent no.2 â?" complainant is present before the Court and admits correctness and genuineness of the affidavit filed by him through his

learned advocate. Learned advocate Mr.Aamir Khan Pathan identifies respondent no.2 and confirms correctness and genuineness of the affidavit

filed by him annexed at Annexure-C.

3. Rule. Learned A.P.P. and learned advocate Mr.Aamir Khan Pathan waive service of Rule for respondent Nos.1 and 2 respectively. Learned APP

objects quashment of present proceedings on the premise of settlement.

4. With the consent of learned advocate for the applicant and learned advocate

for respondents, present application is taken up for final disposal today.

5. By way of the present application under Section 482 of the Code of Criminal Procedure, 1973 (for short, the "Code"), the applicant pray for

quashing and setting aside the F.I.R. being C.R.No.II-3147 of 2013 registered with Meghaninagar Police Station, Ahmedabad for the offence

punishable under Sections 323, 294(b) and 114 of IPC.

6. Learned advocate for the applicant has taken this Court through the factual matrix arising out of the present application.

7. At the outset, it is submitted that the parties have amicably resolved the dispute. In support of such submission made at bar by the learned

advocates appearing for the respective parties, they have placed on record affidavit of settlement of dispute duly signed by the respondent No.2 &

complainant.

8. Since now, the dispute with reference to the impugned F.I.R. is settled and resolved by and between parties which is confirmed by the original

complainant through his learned advocate, the trial would be futile and any further continuation of proceedings would amount to abuse of process of

law. Therefore, the impugned F.I.R. is required to be quashed and set aside.

9. Resultantly, this application is allowed. Impugned F.I.R. being C.R.No.II-3147 of 2013 registered with Meghaninagar Police Station, Ahmedabad,

all other consequential proceedings arising out of said FIR and proceedings of Criminal Case No.1433 of 2013 pending before the learned MM Court

No.3, Ahmedabad are hereby quashed and set aside qua the applicant only. Rule is made absolute to the aforesaid extent. Direct service is permitted.