

(2014) 06 GUJ CK 0056

In the Gujarat High Court

Case No : Criminal Misc. Application (for Quashing & Set Aside Fir/Order)
No. 7409 of 2014

Pankil

APPELLANT

Vs

State of Gujarat

RESPONDENT

Date of Decision : 13-06-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 114, 323, 498(A)

Citation : (2014) 06 GUJ CK 0056

Hon'ble Judges : R.M. Chhaya, J

Bench : Single Bench

Advocate : H.R. Raval for Chetan B. Raval, Advocates for Applicant Nos. 1-4, Advocate for the Appellant; Hansa Punani, Public Prosecutor for Respondent Nos. 1-2 and Mr. Chirag Parekh for Respondent No. 3, Advocate for the Respondent

Final Decision : Allowed

Judgement

R.M. Chhaya, J.—Heard Mr. H.R. Raval for Mr. Chetan B. Raval, learned advocates for the applicants-original accused, Ms. Hansa Punani, learned Assistant Public Prosecutor for respondent No. 1-2, and Mr. Chirag Parekh, learned advocate for respondent No. 3—first informant. Mr. Parekh, learned advocate, undertakes to file his vakalatnama for respondent No. 3 on or before 16.06.2014, the same shall be taken on record. With consent of the parties the matter is taken up for final hearing forthwith.

2. By way of the present application u/s 482 of the Code of Criminal Procedure, 1973 (the Code) the applicants-original accused have prayed for quashing of F.I.R. being C.R. No. I-88 of 2014 registered at Ghatlodia Police Station, Ahmedabad for the offences under Sections 323, 498(A) and 114 of the Indian Penal Code, 1860 (the IPC).

3. Learned advocate for the applicants has taken this Court through the allegations made in the F.I.R. and at the outset it is submitted that the first

informant, respondent No. 3-Komalben Pankil Gandhi, and applicant No. 1-Pankil Jitendra Gandhi, are husband-wife and because of intervention of the elder members of the family, the parties have amicably resolved the dispute, which arose because of some misunderstanding, more particularly between applicant No. 1 and respondent No. 3-first informant. It is further submitted that the first informant has also filed affidavit dated 17.05.2014 to that effect. It is submitted that in view of the fact that there was matrimonial dispute, which the parties have resolved amicably and they are staying together as husband-wife, any further continuation of the proceedings pursuant to the impugned F.I.R. shall amount to harassment to the parties and shall ruin the happy married life of applicant No. 1 and respondent No. 3-first informant. It is therefore submitted that in view of the fact that the parties have resolved the dispute amicably, the trial would be futile and the same would also amount to abuse of process of law and court. It is submitted that in order to secure the ends of justice, this Court may exercise its inherent jurisdiction u/s 482 of the Code and may quash the impugned F.I.R. as well as all consequential proceedings arising out of the impugned F.I.R.

4. Ms. Hansa Punani, learned Assistant Public Prosecutor for respondent Nos. 1-2, candidly states that as the dispute between the parties have amicably resolved, this Court may pass appropriate orders.

5. Mr. Chirag Parekh, learned advocate, appears for respondent No. 3-first informant, reiterates the contentions raised by the learned advocate for the applicants. Reliance is placed upon the affidavit dated 17.05.2014 filed by respondent No. 3 wherein respondent No. 3 has categorically declared before this Court that with consent of both sides and with intervention of the relatives and friends the parties have resolved the dispute.

On enquiry by this Court, respondent No. 3-first informant, states that the parties have amicably settled the dispute and, therefore, the first informant states that she does not want to proceed further with the matter in connection with the impugned F.I.R.

6. Having heard the learned advocates appearing on behalf of the respective parties, considering the facts and circumstances arising out of the present application as well as considering the decisions rendered in the cases of Gian Singh Vs. State of Punjab and Another, , Madan Mohan Abbot Vs. State of Punjab, , Nikhil Merchant Vs. Central Bureau of Investigation and Another, as well as in the case of Manoj Sharma Vs. State and Others, , it appears that further continuation of criminal proceedings in relation to the impugned F.I.R. would be unnecessary harassment to the parties and the trial would be futile and would also amount to abuse of process of law and court and hence, to secure the ends of justice, the impugned F.I.R. as well as all other consequential proceedings arising out of the said F.I.R. are required to be quashed in exercise of power u/s 482 of the Code.

7. For the reasons stated hereinabove, the present application is allowed. Impugned F.I.R. being C.R. No. I-88 of 2014 registered at Ghatlodia Police Station, Ahmedabad as well as all other consequential proceedings, if any, arising out of the aforesaid F.I.R. are hereby quashed and set aside.

8. Rule is made absolute to the aforesaid extent. Direct service permitted.