

(2017) 02 GUJ CK 0037
In the Gujarat High Court
Case No : 930 of 2017

PATEL TARABEN DINESHBHAI & ORS.

APPELLANT

Vs

STATE OF GUJARAT & ANR.

RESPONDENT

Date of Decision : 02-02-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 482](#) - Saving of inherent powers of High Court
[Indian Penal Code, 1860](#), [Section 114](#),
[Section 323](#), [Section 403](#), [Section 504](#), [Section 506\(2\)](#) -
Gujarat Police Act, 1951, Section 135

Citation : (2017) 02 GUJ CK 0037

Hon'ble Judges : J.B.Pardiwala

Bench : Single Bench

Advocate : JIGNESHKUMAR M NAYAK, THAKORE

Final Decision : Allowed

Judgement

1. Rule returnable forthwith. Ms. Thakore, the learned Additional Public Prosecutor, waives service of notice of rule for and on behalf of the respondent No.1-State of Gujarat. Mr. Y.J. Patel, 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 II C.R. No.283 of 2013 lodged before the Kalol Taluka Police Station of the offence punishable under sections 323, 504, 506(2), 403 read with section 114 of the Indian Penal Code and section 135 of the G.P. Act 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-Smt. Shantaben Kalidas Patel is personally present and she confirms about the settlement arrived at with the accused persons. The respondent No.2- Smt. Shantaben Kalidas Patel is identified by her learned advocate Mr. Y.J. Patel. Smt. Shantaben Kalidas Patel has also filed an affidavit, inter alia, stating as under:

"I, Shantaben Patel W/O Kalidas Patel, Hindu, aged about; 70 years, residing at: 3, Kirtidev Co-Operative Society, IQC Road, Chandkheda, Ahmedabad, do hereby solemnly affirm and state on oath as under:

(1) I state that I am the original complainant of present complaint F.I.R. being GR. No. II- 283 of 2013 filed at Kalol Taluka Police Station, Gandhinagar and pursuant to that charge- sheet has been filed and criminal case number 3946 of 2013 has been allotted and same is pending before the Learned Judicial Magistrate, First class, Kalol, Gandhinagar. I state that the matter is amicably settled with the present petitioners i.e. the original accused of the aforesaid F.I.R. and, therefore, I have no objection if the aforesaid F.I.R. being C.R. No. II- 283 of 2013 filed at Kalol Taluka Police Station, Gandhinagar and pursuant to that charge-sheet has been

filed and criminal case number 3946 of 2013 has been allotted and same is pending before the Learned Judicial Magistrate, First class, Kalol, Gandhinagar are quashed and set aside by this Hon"ble Court against the present petitioners-original accused. I state that present petitioners and me both are relative and belonging to same casts and community. I state that aforesaid settlement has been arrived on condition that petitioners shall not be disturb to me as well as my family member to entering the village; Jamala, Taluka; Kalol, Dist; Gandhinagar and also withdrawn the objection filed by the petitioner no.1 from the Gruh Finance Limited as early as possible. I state that dispute have been settle against the present petitioners and I state that the settlement is arrived in the best interest of our future and I further say that settlement arrived because certain elderly persons of our community intervened, an amicable settle the dispute I and present petitioners are developed our good relationship.

2. I am filing the present affidavit without any force, coercion, undue influence or threat from any person. Solemnly affirmed at Ahmedabad on this 1st day of February, 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 II C.R. No.283 of 2013 lodged before the Kalol Taluka Police Station is hereby ordered to be quashed. All consequential proceedings arising from the same also stand terminated. Rule is made absolute. The Registry shall accept the Vakalatnama of Mr. Y.J. Patel, the learned advocate appearing on behalf of the

respondent No.2.

Direct service is permitted.