

**(2017) 02 GUJ CK 0081**  
**In the Gujarat High Court**  
**Case No : 3689 of 2017**

SAMIR NARANBHAI THAKKAR

APPELLANT

Vs

STATE OF GUJARAT & ANR.

RESPONDENT

**Date of Decision :** 15-02-2017

**Acts Referred:**

[Code of Criminal Procedure, 1973](#), [Section 482](#) - Saving of inherent powers of High Court  
[Indian Penal Code, 1860](#), [Section 420](#),  
[Section 468](#), [Section 471](#), [Section 467](#), [Section 406](#), [Section 120\(b\)](#) - Cheating and dishonestly inducing delivery of property - Forgery for purpose of cheating - Using as genuine a forged document - Forgery of valuable security, will, etc - Punishment for Criminal breach of trust - Concealing design to commit offence punishable with imprisonment

**Citation :** (2017) 02 GUJ CK 0081

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

**Bench :** Single Bench

**Advocate :** AMBRISH V JANI, ?CHIRAG H PAREKH, 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. B.H. Solanki, 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 petitioner seeks to invoke the inherent powers of this court, praying for quashing of the first information report being I C.R. No. 55 of 2016 lodged before the D.C.B. Police Station, Ahmedabad of the offence punishable under sections 406, 420, 467, 468, 471 and 120(B) 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- Nitinram Ganesh Pandya is personally present and he confirms about the settlement arrived at with the accused person. The respondent No.2- Nitinram Ganesh Pandya is identified by his learned advocate Mr. B.H. Solanki. Shri B.H. Solanki has also filed an affidavit, inter alia, stating as under:

"I the undersigned, Nitin Ganesh Pandya, Aged- 28, Hindu by religion, Occ: Business, Residing at 307 Abhilasa Flat, Satellite, Ahmedabad, do hereby state solemnly affirm and file this affidavit in the above referred Criminal Misc. Application as I original complainant as well as victim in the present offence in the above referred matter. I further say and submit that I have filed the complaint against the petitioner of above referred criminal misc. application wherein the offence registered before D.C.B Police Station, Ahmedabad as I-C.R. No.55 of 2016 and after filing of the complaint now

dispute is amicably settled between us and now there is no ill-will and grievance between us. I said and submit that looking to the facts and circumstances of the present case and as the dispute is amicably settled between the parties with the help of friends and relatives, I earnestly urged this honourable court terminate the proceedings against the petitioner, in the interest of justice.

Solemnly affirmed at Ahmedabad on this 24th day of January, 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. 55 of 2016 lodged before the D.C.B. Police Station, Ahmedabad 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. B.H. Solanki, the learned advocate appearing on behalf of the respondent No.2.

Direct service is permitted.