

(2013) 12 GUJ CK 0131
In the Gujarat High Court

Case No : Criminal Miscellaneous Application No. 8927 of 2008

Sanjay Dhanjibhai Vala

APPELLANT

Vs

State of Gujarat and 1 Another

RESPONDENT

Date of Decision : 09-12-2013

Acts Referred:

Citation : (2013) 12 GUJ CK 0131

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

Bench : Single Bench

Advocate : Kruti M. Shah, for the Appellant; Alkesh N. Shah, APP for Respondent(s) No. 1 and Ms. Medha N. Pandya, for Respondent(s) No. 2, for the Respondent

Final Decision : Allowed

Judgement

R.M. Chhaya, J.—Heard Ms. Kruti M. Shah, learned advocate for the applicant, Mr. Alkesh N. Shah, learned Assistant Public Prosecutor

for respondent No. 1 and Ms. Medha N. Pandya, learned advocate for respondent No. 2—first informant/original complainant. By way of the

present application u/s 482 of the Code of Criminal Procedure, 1973 (the Code) the applicant has prayed for quashing of F.I.R. being C.R. No.

II-3183 of 2008 registered with Jetpur City Police Station, Jetpur, Dist. Rajkot for the offences under Sections 323, 504, 506(2) of the Indian

Penal Code, 1860 (the IPC) and Sections 37(1), 135 and 114 of the Bombay Police Act.

2. At the outset learned advocate for the applicant has, inter alia, submitted that the applicant and the first informant have amicably resolved the

issue, which has arisen because of some misunderstanding. It is further submitted that in view of the settlement arrived at between the parties any

further continuation of the proceedings pursuant to the impugned F.I.R. shall amount to harassment to the parties and the trial would be futile and

the same would also amount to abuse of process of law and court and, therefore, it is submitted that in order to secure the ends of justice, this Court

may quash the impugned F.I.R. as well as all consequential proceedings arising out of the impugned F.I.R.

3. Mr. Alkesh N. Shah, learned Assistant Public Prosecutor for respondent No. 1, candidly states that as the parties have amicably resolved the

dispute, which was of a domestic nature, this Court may pass appropriate orders.

4. Ms. Medha N. Pandya, learned advocate, states that she has instructions to appear on behalf of respondent No. 2-first informant/original

complainant and she will file vakalatnama by tomorrow. Registry is therefore directed to accept such vakalatnama. Learned advocate for

respondent No. 2 has tendered affidavit of respondent No. 2-Shri Sureshbhai Jilubhai Vala, wherein it is solemnly stated that due to intervention of

elderly people of the family, the parties have amicably resolved the issue. It is further averred in the affidavit that in view of the settlement, he has no

objection if prayer of quashing is granted by this Court in favour of the present applicant. A photocopy of the driving license is also attached with

the said affidavit, which is self-attested by respondent No. 2 and this Court has also verified the original thereof, which was produced by

respondent No. 2. Learned advocate for respondent No. 2 also identifies respondent No. 2, who is present in the court.

Upon inquiry respondent No. 2 has declared before this Court that the dispute has been resolved due to intervention of the elderly members of the

family and he has further stated that this Court may pass appropriate orders.

5. 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 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

the criminal proceedings in relation to the impugned F.I.R. against the applicant-original accused would be unnecessary harassment to the applicant

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 proceedings arising out of the impugned F.I.R. are required to be quashed in exercise of power u/s 482 of the Code.

6. For the reasons stated hereinabove, the present application is allowed. Impugned F.I.R. being C.R. No. II-3183 of 2008 registered with Jetpur

City Police Station, Jetpur, Dist. Rajkot as well as all other consequential proceedings arising out of the aforesaid F.I.R. are hereby quashed and

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