

(2018) 02 GUJ CK 0022
In the Gujarat High Court
Case No : 2405 of 2018

SANJAYBHAI RAMANBHAI THAKOR

APPELLANT

Vs

STATE OF GUJARAT & ANR

RESPONDENT

Date of Decision : 05-02-2018

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 323](#)

Citation : (2018) 02 GUJ CK 0022

Hon'ble Judges : J.B.Pardiwala

Bench : Single Bench

Advocate : JAYPRAKASH UMOT, THAKKAR

Final Decision : Allowed

Judgement

1. Rule returnable forthwith. Ms. Thakkar, the learned Additional Public Prosecutor, waives service of notice of rule for and on behalf of the

respondent No.1-State of Gujarat. Mr. C.B. Upadhyay, 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.04 of 2018 lodged before the Bavla Police Station, Ahmedabad of the offence

punishable under sections 394, 323, 506(2) read with section 114 of the Indian Penal Code, section 135 of the G.P. Act and sections 3(1)r,

3(1)s, 3(2)(5a) and 3(2)(5) of the Atrocities 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-Pravinbhai Kanubhai

Sonara is personally present and he confirms about the settlement arrived at with the accused person. The respondent No.2- Pravinbhai Kanubhai

Sonara is identified by his learned advocate Mr. C.B. Upadhyay. Shri Pravinbhai Kanubhai Sonara has also filed an affidavit, inter alia, stating as

under:

I, Pravinbhai Kanubhai Sonara (Chamar) Son of Shri Kanubhai Sonara, aged about 23 years, Occu: service, residing at behind Nanodara

Primary School, Bavla, Ahmedabad (Rural), do hereby on solemn affirmation state as under:-

1. That I have filed an FIR being -C.R. No.4 of 2018 registered with Bavla Police Station, Ahmedabad (Rural) for the offences punishable under

sections 394 232, 506(2) and 114 of the Indian Penal Code, 1860 (hereinafter referred to as ""IPC"" read with section 135 of the G.P. Act read

with sections 3(1)r, 3(1)s, 3(2)(5a) and 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Preventino of Atrocities) Act, 1989 against the

present petitioner.

2. That I am the respondent no.2-orig. Complainant in the memo of petition and I am fully conversant with the facts and circumstances of the case

and I am duly competent to file this affidavit. I say that I have gone through the memo of petitioner and the facts stated in the memo of petition are

not disputed by me. At the outset, I say and submit that the disputes and grievances of both the sides have been amicably settled and I do not wish

to prosecute the petitioner any further with respect to the FIR at Annexure-A.

3. I say that there was no enmity between myself and the present petitioner. I say that I have settled the dispute with him and I do not want to go

on with the F.I.R. filed by me against the petitioner. I say and submit that FIR in question was lodged by me out of desperation, anger and anxiety

and therefore also I do not want to prosecute him any further for the FIR impugned in the present petition.

4. I say and submit that after lodging the impugned FIR, I realized that a minor dispute has taken a massive shape. After filing the impugned FIR, I

realized the nature of hardship and inconvenience, socially and mentally, it will cause to both the sides, if the criminal proceedings continue and both

the sides are subjected to rigors of criminal trial, it will immensely affect our future prospects of better life. I say and submit that a notarized affidavit

dated 27/01/2018 sworn by the present deponent stating that the deponent does not want to proceed further with the FIR at Annexure-A.

5. In the facts and circumstances as narrated above, I at my free will, wish and desire am stating on oath that I do not wish to prosecute the

criminal proceedings with petitioner as the dispute between us has been amicably settled. I state that the F.I.R. filed by me being I- C.R. No. 4 of

2018 registered with Bavla Police Station, Ahmedabad (Rural) as well as all proceedings arising there from may be quashed in the interest of

justice.

What is stated hereinabove are true to the best of my knowledge, information and belief and I believe the same to be true.

Solemnly affirmed at Ahmedabad on this 5th day of February, 2018.

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.04 of 2018 lodged before the Bavla 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. C.B. Upadhyay, the learned advocate appearing on behalf of the respondent No.2.

Direct service is permitted.