

**(2022) 11 GUJ CK 0012**

**In the Gujarat High Court**

**Case No : R/Criminal Misc. Application No. 20002 Of 2022**

Shaileshbhai Raghubhai Bharwad

APPELLANT

Vs

State Of Gujarat

RESPONDENT

**Date of Decision : 03-11-2022**

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 482  
Gujarat Land Grabbing (Prohibition) Act, 2020 — Section 4(3), 5  
Indian Penal Code, 1860 — Section 130, 447

**Citation : (2022) 11 GUJ CK 0012**

**Hon'ble Judges : Sandeep N. Bhatt, J**

**Bench : Single Bench**

**Advocate : Malaykumar S Patel, Nayan L. Gupta, Hardik Soni**

**Final Decision : Allowed**

## Judgement

Sandeep N. Bhatt, J

1. Rule. Learned APP, Mr. Hardik Soni for respondent no.1 – State and learned advocate Mr. Nayan Gupta for respondent no.2 – Original Complainant waive service of notice of Rule.

2. Heard learned advocate Mr. Malaykumar Patel for the applicants, learned APP Mr. Hardik Soni for respondent no.1 – State and learned advocate Mr. Nayan Gupta for respondent no.2 – Original Complainant, who is permitted to file his Vakilatnama in the Registry.

3. With the consent of learned advocate for the applicants and learned advocate for respondents, present application is taken up for final disposal today.

4. By way of the present application under Section 482 of the Code of Criminal Procedure, 1973 (for short, the 'Code'), the applicants pray for quashing and setting aside the FIR being C.R. No.11196003211249 of 2021 registered with Manjapur Police Station, Vadodara City for the offence punishable under Sections 4(3) and 5 of the Gujarat Land Grabbing (Prohibition) Act, 2020 and under

Sections 447 and 130 of the Indian Penal Code.

5. Learned advocate for the applicants has taken this Court through the factual matrix arising out of the present application.

6. At the outset, it is submitted that the parties have amicably resolved the dispute. In support of such submission made at bar by the learned advocates appearing for the respective parties, they have placed on record affidavit of settlement of dispute duly signed by the respondent No.2 complainant, copy of which is placed on record at Page No.17 of the application.

7. Since now, the dispute with reference to the impugned FIR is settled and resolved by and between the parties which is confirmed by the original complainant through his learned advocate, the trial would be futile and any further continuation of proceedings would amount to abuse of process of law. Therefore, the impugned FIR is required to be quashed and set aside.

8. Resultantly, this application is allowed. The impugned FIR being C.R. No.11196003211249 of 2021 registered with Manjapur Police Station, Vadodara City and all other consequential proceedings arising out of said FIR are hereby quashed and set aside qua the applicants only.

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