

(2019) 02 GUJ CK 0043

In the Gujarat High Court

Case No : R/Special Criminal Application No. 1486 Of 2014

Surendra Anandrao Vende

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 13-02-2019

Acts Referred:

Indian Penal Code, 1860 — Section 114, 323, 498-A, 504, 506(2)
Dowry Prohibition Act, 1961 — Section 3, 4

Citation : (2019) 02 GUJ CK 0043

Hon'ble Judges : Umesh A. Trivedi, J

Bench : Single Bench

Advocate : P P Majmudar, Zubin F Bharda, Rashesh Rindani

Final Decision : Allowed

Judgement

Leave to amend cause title as also as the prayer clause forthwith. Rule. Learned Additional Public Prosecutor Mr. Rashesh Rindani as well as learned advocate waive service of notice of rule on behalf of respective respondents.

[1] This petition is preferred by the petitioners-original accused seeking quashment of the First Information Report being II-C.R.No.105 of 2013 registered with Jalalpor Police Station, Dist: Navsari, for the offences punishable under Sections 498-A, 323, 504, 506(2) and 114 of the Indian Penal Code, 1860 as also under Sections 3 and 4 of the Dowry Prohibition Act, filed by respondent No.2 herein against her husband and in-laws as named in the First Information Report.

[2] All the petitioners including the husband filed the present petition before this Court. However, the petition for petitioner No.1 was not pressed at the relevant point of time and it came to be dismissed for petitioner No.1, who happens to be husband of the respondent No.2 herein, vide order dated 10.09.2014. However, by passage of time, the dispute is amicably resolved and settled between the parties. Since it being matrimonial dispute and the respondent No.2 being wife is

not willing to proceed further with the First Information Report filed against her husband and other in-laws named / mentioned in the First Information Report, no fruitful purpose would be served to continue the FIR as well as all other consequential proceedings thereof.

[3] Mr. Mukund Thakkar, learned advocate for the petitioners, seeks permission to add name of the husband, whose petition was withdrawn at the initial stage and therefore, charge sheet against him came to be filed and it being tried by Criminal Case No.3199 of 2013 which is pending in the Court of learned Additional Chief

Judicial Magistrate, Navsari, in the array of petitioner as petitioner No.1 as also seeks leave to amend the prayer clause. Permission as prayed for is granted.

[4] Today, respondent No.2-first informant-wife is present before this Court through her advocate and she has been duly identified by Mr. Pinakin B. Raval, learned advocate for Mr. Zubin Bharda, learned advocate for the respondent No.2. The affidavit of respondent No.2-Jyoti D/o Ishwarbhai Patil, dated 13.02.2019 tendered by the learned advocate for the respondent No.2, is taken on record. The Court has also ascertained wish of respondent No.2-first informant and she has answered in affirmative and stated that if the First Information Report filed against all the accused is quashed and set aside, she has no objection.

[5] Since the dispute being a matrimonial in nature, is resolved amicably between the parties, it is not desirable to proceed further into the First Information Report filed by the respondent No.2 herein. Hence, this petition deserves to be allowed and it is accordingly allowed. The impugned First Information Report being II-C.R.No.105 of 2013 registered with Jalalpor Police Station, Dist: Navsari, as well as Criminal Case filed against the petitioner No.1 being Criminal Case No.3199 of 2013 are hereby quashed and set aside. Rule is made absolute.