

(2014) 08 GUJ CK 0035
In the Gujarat High Court

Case No : Special Criminal Application(Quashing) No. 2880 of 2014

Surya		APPELLANT
	Vs	
State of Gujarat		RESPONDENT

Date of Decision : 19-08-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 114, 504, 506(2)

Citation : (2014) 08 GUJ CK 0035

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

Bench : Single Bench

Advocate : Gajendra P. Baghel, Advocate for the Appellant; Hansa Punani, APP and Pinakin B. Raval, Advocate for the Respondent

Judgement

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R.M. Chhaya, J.—Heard learned counsel for the respective parties.

2. RULE. Learned counsel appearing for the respective respondents waive service. Mr. Raval, learned advocate, undertakes to file vakalatnama on behalf of respondent No. 2 by tomorrow.

3. Considering the issue involved in the present petition and with consent of the learned advocates appearing on behalf of the respective parties as well as considering the fact that the dispute amongst the parties has been resolved amicably, this petition is taken up for final disposal forthwith.

4. By way of the present petition under Section 482 of the Code of Criminal Procedure, 1973 (the Code) the petitioners-original accused have prayed for quashing of F.I.R. being C.R. No. II-367 of 2014 registered at Chowk Bazaar Police Station, Dist. Surat for the offences under Sections 504, 506(2) and 114 of the Indian Penal Code, 1860 (the IPC).

5. At the outset learned advocate for the petitioners-original accused has

submitted that the petitioners and respondent No. 2 has arrived at an amicable settlement and now respondent No. 2 does not have any grievance against the present petitioners.

Reliance is placed upon the compromise agreement/deed (in vernacular language) arrived at between the parties dated 02.07.2014 wherein it is clearly mentioned by respondent No. 2 that the F.I.R. is lodged in excitement and due to intervention of the elders of his society and mediation of the friends the dispute between the parties has been amicably resolved. It is categorically averred that he does not want to proceed further with the matter qua the present petitioners.

6. Learned advocate for the petitioners-original accused further submits that in view of the fact that the parties have amicably resolved the dispute 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 exercise its inherent jurisdiction under Section 482 of the Code and may quash the impugned F.I.R. as well as all consequential proceedings arising out of the impugned F.I.R.

7. Learned advocate for the respondent No. 2, has reiterated the contentions raised by the learned advocate for the petitioners-original accused. It is further submitted that respondent No. 2 is personally present in the court, who is identified by the learned advocate for respondent No. 2. To substantiate his identity original election card of respondent No. 2 is shown to the court and a xerox copy whereof is tendered, which is taken on record.

On enquiry by this Court, respondent No. 2-first informant, states that the parties have amicably settled the dispute and an affidavit (compromise agreement/deed) to that effect is also placed on record of the present proceedings and therefore the first informant states that he does not want to proceed further with the matter in connection with the impugned F.I.R.

8. Learned Assistant Public Prosecutor for the respondent-State, candidly states that as the dispute between the parties has amicably resolved, this Court may pass appropriate orders.

9. Having heard the learned advocates appearing on behalf of the respective parties, considering the facts and circumstances arising out of the present petition as well as considering the ratio of the decisions rendered in the cases of Gian Singh Vs. State of Punjab and Another, , Madan Mohan Abbot Vs. State of Punjab, , Nikhil Merchant Vs. Central Bureau of Investigation and Another, , Manoj Sharma Vs. State and Others, as well as Narinder Singh and Others Vs. State of Punjab and Another, , it appears that further continuation of criminal proceedings in relation to the impugned F.I.R. against the petitioners would be unnecessary harassment to the petitioners and would amount to abuse of process of law and court and hence, to secure the ends of justice, the impugned F.I.R. is required to be quashed in exercise of power under Section 482 of the

Code qua the present petitioners.

10. For the reasons stated hereinabove, the present petition is allowed. Impugned F.I.R. being C.R. No. II-367 of 2014 registered at Chowk Bazaar Police Station, Dist. Surat as well as all other consequential proceedings arising out of the aforesaid F.I.R are hereby quashed and set aside qua the present petitioners.

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