

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO. 5491
of 2026**

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NILESH ARJUNBHAI KAHAR & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR. RAJESH G BAROT(7134) for the Applicant(s) No. 1,2,3

MR. MANAN MAHETA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE VIMAL K. VYAS****Date : 20/03/2026****ORAL ORDER**

1. Learned advocate Ms. Priyal Shah appears and submits that she has instructions to appear on behalf of the respondent nos. 2 to 4. She is permitted to file her appearance. Registry shall accept her vakalatnama.

2. By way of filing the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants-accused have prayed to quash and set-aside the First Information Report being C.R. No. I - 53 of 2017 registered with the Navapura Police Station, District - Vadodara City, for the offences punishable under Sections 324, 504 and 114 of the Indian Penal Code, 1860, and under Section 135 of the Gujarat Police Act, as well as the criminal proceedings of the

Sessions Case No.58 of 2023 pending before the learned Sessions Court, Vadodara, so also all other consequential proceedings arising pursuant thereto.

3. Learned advocate Ms. Priyal Shah appearing for the complainant has submitted that the complainant - Deviprasadbhai Kahar, has passed away on 03.12.2024, and his death certificate is annexed at Annexure - C to the application. Hence, the heirs of the complainant - Deviprasadbhai Kahar, namely, Dhaval Deviprasad Kahar, Karan Deviprasad Kahar and Shivam Deviprasad Kahar, have filed their respective affidavits.

4. Today, when the matter is called out, the heirs of the complainant are virtually present before this Court and have produced their identity proofs, which are ordered to be taken on record. The affidavits of the heirs of the complainant are annexed at Annexure - E, collectively, to the application. In the said affidavits, they have categorically stated that the dispute has been amicably resolved with the applicants and there is no ill-will or any grievance amongst them.

5. Considering the issue involved in the present application

as well as considering the fact that the dispute has been amicably resolved between the parties, with the consent of the learned advocates appearing for the respective parties, the present application is taken up for final disposal.

6. **RULE** returnable forthwith. Learned APP Mr. Manan Maheta waives service of notice of rule for and on behalf of the respondent no.1 - State and learned advocate Ms. Priyal Shah waives service of notice of rule for and on behalf of the respondent nos. 2 to 4.

7. The heirs of the complainant, who are virtually present before this Court, have categorically stated before this Court that the dispute has been amicably resolved and they have no objection if the application is allowed and the impugned FIR as well as the proceedings of the Sessions Case are quashed and set-aside.

8. The relevant paragraphs of the affidavit filed by the heirs of the complainant, namely, Dhaval Deviprasad Kahar, Karan Deviprasad Kahar and Shivam Deviprasad Kahar, read thus:

"3. It is respectfully submitted that I have entered into a settlement agreement with the applicants herein. A copy of the agreement has been annexed as Annexure - D to the memo of the quashing application. As per

the agreement, both parties belong to the same society and family, and following persuasion by elders of our society, both parties voluntarily agree to compromise the aforementioned cases outside the Honorable Courts, giving assurance to each other under the conditions that:

(A) Both parties in this matter shall not harbor any animosity towards each other regarding the two aforementioned criminal cases, nor shall they commit any further criminal activity or harbor any ill-will towards each other. In the same manner that the crimes committed by all the First Parties against all the Second Parties will not lead to any further complaint of assault or criminal activity, similarly, all the Second Parties will not commit any further complaint of assault or criminal activity against all the First Parties, like the crimes mentioned above.

(B) After this compromise in the two aforementioned criminal cases, both parties in this matter shall not speak ill or cause trouble that harms the reputation of each other within the family or society.

(C) Both parties in this matter have not made any financial transactions with each other regarding this compromise of the two aforementioned criminal cases, and therefore, they do not need to raise any false facts or issues in the family or society regarding the money transaction. If such a thing occurs, the present agreement shall be considered null and void.

(D) Both parties in this matter are bound to give voluntary testimony in the Honorable Court regarding the compromise of the two aforementioned criminal cases after this Compromise Agreement, in a manner that does not cause harm to either party.

4. I say that there was no enmity between myself and the present Applicant. I say that I have settled the dispute with them and I do not want to go on with the FIR filed by me against the present Applicant. I say and submit that the FIR in question was lodged by me out of fear and anxiety and therefore also I don't want to prosecute them any further for the FIR impugned in the present petition."

9. Thus, it appears from the aforesaid that to continue further with the criminal proceedings pursuant to the impugned FIR as well as the Sessions Case would be a futile exercise and the same would amount to abuse of process of law.

10. Having heard learned advocates appearing for the respective parties as well as considering the facts and circumstances arising out of the present application and taking into consideration the decisions rendered in the cases of ***Gian Singh vs. State of Punjab & Another***, reported in (2012) 10 SCC 303, ***Madan Mohan Abbot vs. State of Punjab***, reported in (2008) 4 SCC 582, ***Nikhil Merchant vs. Central Bureau of Investigation & Another***, reported in (2009) 1 GLH 31, ***Manoj Sharma vs. State & Others***, reported in (2009) 1 GLH 190, and ***Narinder Singh & Others vs. State of Punjab & Another***, reported in (2014) 2 Crime 67 (SC) as well as ***State of Haryana vs. Bhajanlal***, reported in AIR 1992 SC 604, it appears that continuing further with the criminal proceedings pursuant to the impugned FIR as well as the Sessions Case would be a futile exercise and the same would amount to abuse of process of law. Hence, to secure the ends of justice, the impugned FIR as well as the proceedings of the Sessions Case, so also all other consequential proceedings arising pursuant thereto are required to be quashed and set-aside in exercise of the powers conferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

11. In the result, the application is allowed. The proceedings of the First Information Report being C.R. No. I - 53 of 2017 registered with the Navapura Police Station, District - Vadodara City, for the offences punishable under Sections 324, 504 and 114 of the Indian Penal Code, 1860, and under Section 135 of the Gujarat Police Act, as well as the criminal proceedings of the Sessions Case No.58 of 2023 pending before the learned Sessions Court, Vadodara, so also all other consequential proceedings arising pursuant thereto, are hereby ordered to be quashed and set-aside qua the present applicants.

12. Rule made absolute. Direct service is permitted.

DEEPAK GEHLOT

(VIMAL K. VYAS, J)