

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 1360 of 2026

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NIPUNBHAI RAMANLAL DESAI & ANR.
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR MAULIK S SHETH(3586) for the Applicant(s) No. 1,2
MS.SIMPAL RATHOD for MR NANDISH Y CHUDGAR(2011) for the
Respondent(s) No. 2
MR.RONAK RAWAL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER

Date : 20/04/2026

ORAL ORDER

1. The present application is filed for quashment of the FIR being CR I. No 535/2005 registered at Ellis Bridge Police Station, Ahmedabad.
2. At the outset it is submitted by learned advocate Ms.Simpal Rathod, appearing for the respondent, that the matter is settled between the parties and the amount which was borrowed has been cleared. Learned advocate Ms.Rathod has produced the affidavit of the complainant -respondent no.2, which is ordered to be taken on record.
3. Having heard learned counsel appearing for the respective parties, as well as considering the facts and

circumstances arising out of the present application and also taking into consideration the decisions rendered in the cases of **Gian Singh Vs. State of Punjab & Anr.**, 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 & Anr.**, reported in **2009 (1) GLH 31**, **Manoj Sharma Vs. State & Ors.**, reported in **2009 (1) GLH 190** and **Narinder Singh & Ors. Vs. State of Punjab & Anr.** 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 in relation to the impugned FIR and the Criminal Case against the applicants-accused would be an unnecessary harassment to the applicants-accused. It further appears that the trial would be a futile exercise and further continuing with the criminal proceedings pursuant to the impugned FIR and the Criminal Case 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 Criminal Case, so also all other consequential proceedings are

required to be quashed and set aside in exercise of the powers conferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

4. In view of the above, the impugned FIR being CR I. No 535/2005 registered at Ellis Bridge Police Station, Ahmedabad is quashed. Accordingly, all the consequential proceedings are hereby quashed and set aside.
5. Direct service is permitted.

ARCHANA S. PILLAI

(M. K. THAKKER,J)