

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO. 1928
of 2026**

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YOGESHBHAI NARSINHBHAI PATEL & ORS.

Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR KUNAL S SHAH(5282) for the Applicant(s) No. 1,2,3,4
MS MONALI BHATT, ADDL.PUBLIC PROSECUTOR for the Respondent(s)
No. 1
MS NEHA SHUKLA for the Respondent No.2

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CORAM: **HONOURABLE MRS. JUSTICE M. K. THAKKER**

Date : 06/08/2026

ORAL ORDER

Rule returnable forthwith. Learned APP Ms. Bhatt waives service of notice of Rule for and on behalf of respondent No.1-State. Learned advocate Ms. Shukla waives service of notice of Rule for and on behalf of respondent No.2-original complainant.

1. 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 FIR being C.R. No. I-96 of 2018 registered with Pandesara Police Station, District Surat for the offences punishable under Sections 406, 420, 465, 467, 468, 471, 34 and 120(B) of the Indian Penal Code as well as all consequential proceedings arising therefrom qua the applicants herein.
2. Considering the nature of the dispute involved in the present application and further considering the fact that the parties have amicably resolved their inter se dispute,

with the consent of the learned advocates appearing for the respective parties, the present application is taken up for final disposal.

3. Today, when the matter is called out, respondent No.2- original complainant is present before this Court and is identified by the learned advocate Ms.Shukla appearing on his behalf. Respondent No.2 has categorically stated that the dispute between the parties has been amicably settled and that he does not wish to proceed further with the impugned complaint.
4. At the outset, learned advocate Mr. Shah for the applicant submitted that the dispute between the brothers with regard to the property has been amicably resolved and the complainant has now given his no objection to the quashment of the FIR. It is further submitted that the proceedings against the co-accused have also been quashed by this Court on the basis of the consent of the complainant. It is submitted that, in view of the settlement arrived at between the parties, continuation of the criminal proceedings would amount to abuse of the process of law.
5. Learned advocate Ms. Shukla appearing for respondent No.2 has supported the submissions advanced on behalf of the applicants and reiterated the contents of the affidavit filed by respondent No.2.
6. The present application is opposed by the learned APP

Ms. Bhatt appearing for the respondent-State.

7. The complainant, who is present before this Court, has categorically stated that the dispute has been amicably resolved between the parties and that he has no objection if the impugned FIR is quashed. Thus, permitting the applicants to face the trial would be a futile exercise.

8. The affidavit filed by respondent No.2-original complainant reads thus:

I,XXX XXX XXX the respondent no.2, do hereby solemnly affirm and state on oath as under:-

1. I am the complainant of FIR being CR No. 1-96/2018 registered with Pandesara Police Station, District Surat, for the offences punishable under sections 193, 196, 406, 420, 465, 467, 468, 471, 34 and 120 (B) of the Indian Penal Code.

2. I say that I had filed a complaint against the accused persons who had created forged Will of deceased Bhaniben @ Bhakiben and mutated their names and sold the land to third party. 576 8931

3. During the pendency of the aforesaid complaint, the third party had given my portion of share and the grievance regarding the land in question does not survive. Over and above, I had also executed confirmation deed in favour of the purchaser on 11.10.2022. Thereafter, I had also withdrawn all the revenue as well as civil proceedings filed by me.

4. The applicants and myself are belonging to the same family. Considering this aspect as well as I had already

received my portion of the share. therefore my grievance does not survive. Hence, there is no dispute between me and the applicants.

5. In view of the aforesaid, I do not wish to proceed further with FIR No. CR 1-96/2018 filed against the applicants with Pandesara Police Station, District Surat, and I have no objection, if the FIR, charge sheet and criminal case No.44769/2018, which is pending in the Court of Ld. 11th Additional Senior Civil Judge & ACJM, Surat and all other consequential proceedings arising out of the same;

6. I am filing this affidavit with my own consciousness and not under any duress or coercion.

7. I know that filing a false affidavit is an offence.”

9. Having heard the learned advocates appearing for the respective parties and considering the facts and circumstances of the case, as also taking into consideration the decisions rendered in **Gian Singh Vs. State of Punjab & Anr., (2012) 10 SCC 303; Madan Mohan Abbot Vs. State of Punjab, (2008) 4 SCC 582; Nikhil Merchant Vs. CBI & Anr., 2009 (1) GLH 31; Manoj Sharma Vs. State & Ors., 2009 (1) GLH 190; Narinder Singh & Ors. Vs. State of Punjab & Anr., (2014) 6 SCC 466; and State of Haryana Vs. Bhajan Lal, AIR 1992 SC 604**, this Court is of the opinion that continuation of the criminal proceedings pursuant to the impugned FIR would amount to abuse of the process of law and that no fruitful purpose would be served by permitting the prosecution to continue. Hence, in order to secure the ends of justice, the impugned FIR

and all consequential proceedings deserve to be quashed and set aside in exercise of powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

10. In the result, the present application is allowed. The FIR being C.R.No.I-96 of 2018 registered with Pandesara Police Station, District Surat, as well as all consequential proceedings arising therefrom, are hereby quashed and set aside qua the applicants.

11. Rule is made absolute accordingly. Direct service is permitted.

M.M.MIRZA

(M. K. THAKKER,J)