

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO. 2056
of 2026**

=====

RAMESHBHAI DEVABHAI JARIYA

Versus

STATE OF GUJARAT

=====

Appearance:

MR ASHISH M DAGLI(2203) for the Applicant(s) No. 1

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

=====

CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS**Date : 27/03/2026****ORAL ORDER**

1. Learned advocate Mr. Abhishek Khuman appears and submits that he has instructions to appear on behalf of the respondent no.2 - original complainant. He is permitted to file his appearance. Registry shall accept his vakalatnama as and when the same is filed.

2. By way of preferring the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant-accused seeks to invoke the inherent powers of this Court, praying to quash and set-aside the First Information Report No. 11189006250805 of 2025 registered with the Tankara Police Station, District Morbi, for the offences punishable under Section 384 of the Indian Penal Code and under Sections 40, 42 of the Gujarat Money Lenders Act, 2011,

as well as the proceedings of the Criminal Case No. 896 of 2025 pending before the Taluka Court, Tankara, Morbi, so also all other consequential proceedings arising pursuant thereto.

3. Today, when the matter is called out, the complainant is present before this Court through virtual mode. The complainant has also filed an affidavit, which is annexed at Annexure 'C' to the application. In the said affidavit, the complainant has categorically stated that with the intervention of the friends, family members and community people, the dispute with the present applicant has been amicably resolved and there is no ill-will or any grievance amongst them.

4. Today, when the matter is called out, the applicant is also personally present before this Court and has produced his identity proof as well as submitted the additional affidavit / undertaking. The same are ordered to be taken on record. In the said additional affidavit / undertaking, the applicant has categorically stated that he undertakes to withdraw the proceedings u/s 138 of N.I. Act filed by him against the complainant Muktaben Chandulal Barasara and her family after quashment of this FIR and further he undertakes not to harass the complainant Muktaben Chandulal Barasara or her family after quashment of the present FIR.

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 Mr. Abhishek Khuman waives service of notice of rule for and on behalf of the respondent no.2 - complainant.

7. Learned advocate for the applicant-accused has submitted that since the dispute has been amicably resolved between the parties, the application may be allowed and the impugned FIR may be quashed and set-aside.

8. The complainant, who is present in the Court through virtual mode, has categorically stated before this Court that she has no objection if the application is allowed and the FIR as well as the proceedings of the Criminal Case are quashed and set-aside. Thus, it appears from the aforesaid that sending the applicants-accused to face the trial would be nothing but a futile exercise and would amount to abuse of process of law.

9. The relevant paragraphs of the affidavit filed by the complainant - Muktaben Chandulal Barasara, read thus :

"4. I say and submit that dispute pertains to personal and private in nature, and with the help of friends, family, the same is resolved.

5. *I say and submit that the dispute got resolved as proceedings u/s 138 of NI Act filed by the applicant also came to be withdrawn after quashment of F.I.R and that is how settlement arrived, the same may kindly be taken into consideration.*

6. *I say and submit that the dispute between myself and applicant-accused is settled now and we have buried our grievances, and it was decided to conclude the proceedings. I say and submit that as now the dispute is no longer exists between myself and applicant. I, therefore humbly urges the Hon'ble Court to terminate the proceeding as prayed for by the applicant by quashing and setting aside the FIR being CR. No 1-11189006250805 of 2025 filed before Tankara Police Station, Morbi, and further proceedings arising thereof, I've no objection."*

10. The relevant paragraphs of the affidavit filed by the applicant – Rameshbhai Devabhai Jariya, read thus :

"2. I've gone through the contents of the averment of above stated application filed by me, and I reiterate the same.

3. *I say and submit that the complainant Muktaben Chandulal Barasara has paid me only 15 lacs which I had given her on friendly basis. So further I undertake not to recover or ask for any amount from the complainant or his family after quashment of the present FIR.*

4. *I say and submit that I undertake to withdraw the proceedings u/s 138 of NI Act filed by me against complainant Muktaben Chandulal Barasara and his family after quashment of this FIR and Further I undertake not to harass the complainant Muktaben Chandulal Barasara or his family after quashment of the present FIR.*

5. *I say and submit that dispute pertains to personal and private in nature, and with the help of friends, family, the same is resolve between both the parties."*

11. 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 further continuation of the criminal proceedings in relation to the impugned FIR and the Criminal Case against the applicant-accused would be nothing but unnecessary harassment to the applicant-accused. It further appears that the trial would be a futile exercise and continuing further with the proceedings pursuant to the impugned FIR as well as the proceedings of 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 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.

12. In the result, the application is allowed. The First Information Report No. 11189006250805 of 2025 registered

with the Tankara Police Station, District Morbi, for the offences punishable under Section 384 of the Indian Penal Code and under Sections 40, 42 of the Gujarat Money Lenders Act, 2011, as well as the proceedings of the Criminal Case No. 896 of 2025 pending before the Taluka Court, Tankara, Morbi, so also all other consequential proceedings arising pursuant thereto are hereby ordered to be quashed and set-aside, qua the present applicant only.

13. Rule made absolute. Direct service is permitted.

AMAR SINGH

(VIMAL K. VYAS, J)