

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO. 2711
of 2026**

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SURESHJI @ ISHO @ SURESHBHAI S/O VARDHANJI DABHI
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR N R DESAI(6504) for the Applicant(s) No. 1
MR KAUSHAL H PATEL(9328) for the Respondent(s) No. 3
NOTICE SERVED BY DS for the Respondent(s) No. 2
MS ASMITA PATEL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS

Date : 23/02/2026
ORAL ORDER

1. Though served, the respondent No.2 has chosen not to appear before this Court either in person or through an advocate and oppose the application.

2. By way of filing the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant-accused has prayed to quash and set-aside the First Information Report No.11195008250197 of 2025 registered with the Bhildi Police Station, District - Banaskantha, for the offences punishable under Sections 137(2), 87 and 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023, and under Sections 4 and 6 of the POCSO Act, as well as all other consequential

proceedings arising pursuant thereto.

3. Heard learned advocate Mr. N.R. Desai appearing for the applicant. It is submitted that at the time of the alleged incident, the victim was aged about 17 years, 5 months and 9 days, whereas, the applicant was aged about 25 years. It is also submitted that since the victim and the applicant were having intimacy with each other, they had eloped together, got married on 24.09.2025 and their marriage has also been registered on 26.09.2025 at Gondal, under the Gujarat Registration of Marriages Act, 2006.

4. Today, when the matter is called out, the victim, who is personally present before this Court, has produced her identity proof as well as the affidavit, which are ordered to be taken on record. In the said affidavit, the victim has categorically stated that she and the present applicant have got married and are residing together. She has further stated that the matter has been resolved and she does not want to proceed further with the criminal proceedings against the applicant.

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 Ms. Asmita Patel waives service of notice of rule for and on behalf of the respondent no.1 - State and learned advocate Mr. Kaushal Patel waives service of notice of rule for and on behalf of the respondent no.3.

7. The victim, who is personally present before this Court, has categorically stated that the dispute has been amicably resolved between the parties and she has no objection if the application is allowed and the impugned FIR is quashed and set-aside.

8. The relevant paragraphs of the affidavit filed by the victim, read thus :

"2. I state that I and the present petitioner got married on 24.09.2025 and I state that our marriage is registered. I state that I and Sureshji (Petitioner) got married on 24.09.2025 and to evidence the same, a certificate of registration of marriage is also produced with memo of petition. I state that I also submits that Suresh had not abducted me and I had voluntarily gone with him and I entered into the wedlock after I became major. I state that my father is against my marriage because my father wants I marry with other person. I state that I am residing with the present applicant happily. I state that the present applicant and me both were in love relationship and both are known each other's. I state that the applicant and respondent No.3-victim (me) both are belonging same cast and both were known each

other's. I state that the family of the applicant and respondent No.3 are also relatives. I state that thereafter the both the present applicant and victim girl Komaben (me) both are reading together as a Husband-wife happily. I am very much happy with my husband. I state that I have no objection if the FIR and all other consequential proceedings thereto are quashed and set aside. I state that I have no grievance against the petitioner and I further state that I have no objection if the aforesaid F.I.R. and all other consequential proceedings thereto are quashed.”

9. Thus, it appears from the aforesaid that to continue further with the proceedings pursuant to the impugned FIR 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

proceedings pursuant to the impugned FIR 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 and 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 First Information Report No. 11195008250197 of 2025 registered with the Bhildi Police Station, District - Banaskantha, for the offences punishable under Sections 137(2), 87 and 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023, and under Sections 4 and 6 of the POCSO Act, as well as all other consequential proceedings arising pursuant thereto, are hereby ordered to be quashed and set-aside.

12. Rule made absolute. Direct service is permitted.

(VIMAL K. VYAS, J)

DEEPAK GEHLOT

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: DEEPAK GEHLOT(HC02361), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 24/02/2026 18:02:49