

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO. 4156
of 2026**

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ANKIT @ MUKESHBHAI @ MAYANKBHAI JAGDISHBHAI SIDPARA & ANR.
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR DIPESH D SONI(9996) for the Applicant(s) No. 1,2
MR JAY MEHTA APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER**Date : 23/06/2026****ORAL ORDER**

Rule returnable forthwith. Learned APP Mr. Mehta and learned advocate Mr. Janak Parmar waives service of notice of rule on behalf of respective parties.

1. Learned advocate Mr. Soni does not press this application qua the applicant No.1 i.e. accused No.1. Hence, the present application stands disposed of as not pressed qua applicant No.1. Rule is discharged qua applicant No.1.

2. Learned advocate Mr. Janak Parmar states that he appears for Respondent No.2 – the original complainant. He is permitted to file his appearance.

3. So far as applicant No.2 is concerned, this matter is taken up for final disposal only qua applicant No.2

4. The present application is filed for quashment of the FIR being CR No.11210012240694 of 2024 registered with Chowkbazar Police Station, Surat City for the offences punishable under Sections 420 and 120-B of the IPC.

5. Learned advocate Mr. Soni for the applicant submits that, during the pendency of the proceedings, the dispute has been resolved between the parties and the complainant has given no objection if the impugned FIR is quashed.

6. This submission is supported by learned advocate Mr. Parmar appearing for respondent No.2. Respondent No.2 is present before this Court through Video Conference and is identified by learned advocate Mr. Parmar appearing for respondent No. 2.

7. Learned APP Mr. Mehta appearing for the State has opposed the present application and submitted that considering the seriousness of the offence, the complaint in question may not be quashed and the present application may be rejected.

8. An affidavit of respondent No. 2 has been filed and is taken on record, which reads as under:

"I....., Residing at:..... the complainant herein, do

hereby affirm and state on solemn affirmation that:

A. I have previously filed an affidavit in support of the present petition in relation to the complaint registered F.I.R. dated 18/05/2024 bearing CR. No. 11210012240694 of 2024 with the Chowkbazar Police Station, Surat City under sections 420 and 120-B of the IPC at Annexure- 'A' qua the applicants herein.

B. That in paragraph 'D' of my earlier affidavit, I had stated that it was agreed between the parties that the applicants will further pay a sum of Rs. 10 lacs to the complainant, subject to the quashment of the impugned F.I.R. by this Hon'ble Court.

C. The deponent hereby states and brings on record that during the pendency of the captioned application, the applicants have already paid the aforementioned remaining amount of Rs. 10 lacs in cash in parts to the deponent.

D. Therefore, the deponent acknowledges receipt of the full and final settlement amount, and now absolutely nothing remains to be paid by the applicants to the deponent in respect of the said offence.

E. That since the entire settlement amount has been received and there are no further grievances against the applicants herein, the deponent reiterates that he does not want to proceed further with the present F.I.R. dated 18/05/2024 bearing CR. No. 11210012240694 of 2024 with the Chowkbazar Police Station, Surat City qua Mr. Ankit @ Mukeshbhai @ Mayankbhai Jagdishbhai Sidpara and Ms. Aartiben Jitubhai Radadiya. The deponent has no objections if the same is quashed as the trial would be a futile exercise.

That the deponent has read over the contents of the affidavit and further depose that he is conversant with the facts and circumstances of the case and is therefore, competent to depose that the statement of facts and rest of the statements are true to his information and belief and as such believes the same to be true and correct."

9. Considering the allegations made in the FIR and affidavit filed by the complainant as well as the decisions rendered by the Hon'ble Supreme Court 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.

10. Resultantly, this application is allowed qua the applicant No.2 and the impugned FIR being CR No.11210012240694 of 2024, is hereby quashed and set aside qua the applicant No.2 only. Consequently, all other proceedings arising out of the aforesaid F.I.R. are also quashed and set aside qua the applicant No.2. Accordingly, Rule is made absolute. Direct service is permitted.

Vikramsinh Amarsinh

(M. K. THAKKER,J)