

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO. 4360
of 2026**

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DIVYESH DILIPBHAI KAVA
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR MAULIK H SAYANI(13659) for the Applicant(s) No. 1
MR HARNISH V DARJI(3705) for the Respondent(s) No. 2
MS KRINA CALLA, LD.ADDL. PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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

1. By way of preferring the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant- original accused seeks to invoke the inherent powers of this Court, praying to quash and set-aside the First Information Report being C.R.No.I- 6 of 2018 registered with the Pradhyuman Nagar Police Station, Rajkot, for the offences punishable under Sections 306, 323, 504, 506(2), 386, 387, 114 of the Indian Penal Code and under Sections 5, 40, 42 of the Prevention of Money Laundering Act; the charge sheet as well as the proceedings of the Sessions Case No.45 of 2018 pending before the learned Additional Sessions Judge, Rajkot, so also all other consequential proceedings arising pursuant thereto.

2. Learned advocate for the applicant has tendered further affidavit of the applicant dated 02.03.2026. The same is ordered to be taken on record.

3. Learned advocate for the complainant has tendered affidavit and identity proof of the original complainant, who is personally present before this Court, which are ordered to be taken on record. In the affidavit, the complainant has categorically stated that with the intervention of the friends, family members and community people, the dispute between him and the applicant- accused has been amicably resolved and there is no ill-will or any grievance amongst them. Therefore, he does not want to proceed further with the criminal proceedings pursuant to the impugned FIR, the charge-sheet and the Sessions Case against the present applicant.

4. 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.

5. RULE returnable forthwith. Learned APP Ms.Krina Calla waives service of notice of rule for and on behalf of the respondent no.1 – State and learned advocate Mr.Harnish

Darji waives service of notice of rule for and on behalf of the respondent no.2 – complainant.

6. 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, the charge-sheet as well as the proceedings of the Sessions Case may be quashed and set-aside.

7. The original complainant, who is present in the Court, has categorically stated before this Court that he has no objection if the application is allowed and the impugned FIR; the charge-sheet as well as the proceedings of the Sessions Case are quashed and set-aside. Thus, it appears from the aforesaid that sending the applicant-accused to face the trial would be nothing but a futile exercise and would amount to abuse of process of law.

8. The relevant paragraphs of the affidavit of the original complainant, read thus :

“1. I am the original complainant in FIR being I-C.R. No. 06 of 2018 registered before Pradhyuman Nagar Police Station, Rajkot, and I am fully aware of the facts of the case. I am competent to swear this affidavit.

2. I state that the FIR came to be lodged during a.

period of emotional distress and misunderstanding between the parties. The dispute was personal in nature and arose out of strained relations and heated exchanges.

3. I further state that upon reflection and with passage of time, I realize that the incident did not involve any deliberate instigation, provocation, or intentional act on the part of the present applicant which could have led to the unfortunate incident. The allegations came to be made in a state of mental disturbance and grief.

4. I say that with the intervention of elders, family members, and well-wishers, the misunderstandings between us have now been resolved and relations have normalized.

5. I respectfully state that I do not wish to pursue the criminal proceedings against the present applicant Divyesh Dilipbhai (Original Accused No. 3) and I have no objection if the proceedings arising out of the said FIR are brought to an end in accordance with law.

6. I further state that this affidavit is made voluntarily, without any threat, coercion, pressure, or undue influence from any side.

7. I state that I have no surviving grievance against the present applicant and I am placing these facts before this Hon'ble Court so that appropriate orders may be passed in the interest of justice.

8. What is stated herein above is true and correct to the best of my knowledge and belief.”

9. The relevant paragraphs of further affidavit of the applicant, read thus :

“1. I am the Applicant herein (Original Accused No.3) in FIR being I-C.R. No. 06 of 2018 registered before Pradhyuman Nagar Police Station, District: Rajkot. I am well acquainted with the facts of the present case and hence competent to swear this affidavit.

2. The above-referred FIR came to be registered for the offences punishable under Sections 306, 323, 504, 506(2), 386, 387 and 114 of the Indian Penal Code and Sections 5, 40 and 42 of the Prevention of Money Laundering Act.

3. I state that the dispute between the parties arose out of a monetary transaction and misunderstanding with regard to interest amount allegedly payable. The dispute was personal in nature and arose due to strained relations and exchange of words.

4. I state that the said misunderstanding and dispute have now been amicably resolved with the intervention of family members and common friends. There remains no grievance or dispute between myself and Respondent No.2 – original complainant.

5. I further state that neither any amount is due and payable by the complainant to me nor do I have any subsisting claim arising out of the alleged transaction. I undertake that I shall not claim any money or any other thing, whatsoever in nature, with regard to dispute agitated in FIR. Now there remains

no monetary transaction between me and complainant.

6. I state that in view of the settlement arrived at between the parties and considering that the dispute was private in nature, continuation of criminal proceedings would serve no fruitful purpose and would amount to abuse of process of law.

7. I therefore respectfully pray that this Hon'ble Court may be pleased to quash and set aside FIR being I-C.R. No. 06 of 2018 registered before Pradhyuman Nagar Police Station, Rajkot and all consequential proceedings arising therefrom qua the present applicant.

8. I state that this affidavit is made voluntarily and without any threat, coercion, or undue influence from any person whatsoever.

9. What is stated herein above is true and correct to the best of my knowledge and belief.”

10. 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)** and **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, the charge-sheet as well as the Sessions Case against the applicant-accused would be an unnecessary harassment to the applicant-accused. It further appears that the trial would be a futile exercise and further continuing with the proceedings pursuant to the impugned FIR, the charge-sheet as well as the Sessions Case would amount to abuse of process of law. Hence, to secure the ends of justice, the impugned FIR, the charge-sheet as well as the proceedings of the Sessions 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 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

11. In the result, the application is allowed. The First Information Report being C.R.No.I- 6 of 2018 registered with the Pradhyuman Nagar Police Station, Rajkot, for the offences punishable under Sections 306, 323, 504, 506(2), 386, 387, 114 of the Indian Penal Code and under Sections 5, 40, 42 of the Prevention of Money Laundering Act; the charge-sheet as well as the proceedings of the Sessions Case No.45 of 2018 pending before the learned Additional

Sessions Judge, Rajkot, so also all other consequential proceedings arising pursuant thereto, are hereby ordered to be quashed and set-aside qua the present applicant only.

Rule made absolute. Direct service is permitted.

(VIMAL K. VYAS, J)

DIPTI PATEL

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: DIPTIBEN PIYUSH PATEL(HC00191), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 05/03/2026 11:34:54