

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 4402 of 2026**

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AALAGIYA SANDIPBHAI CHANDUBHAI

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR. MOHAMMED RIYAN MANSURI FOR MR. SHAILESH M AHIR(9999) for
the Applicant(s) No. 1

MR MAKBUL I MANSURI(2694) for the Respondent(s) No. 2

MS. KRINA CALLA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE VIMAL K. VYAS****Date : 01/04/2026****ORAL ORDER**

1. Though served, the respondent No.2- complainant 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 FIR being CR. No.11193004230374 of 2023 registered with the Amreli Rural Police Station, District - Amreli, for the offences punishable under Sections 363, 366, 376, 376(2)(j) and 201 of the Indian Penal Code and under Sections 4, 6, 8 and 18 of the POCSO Act, the charge sheet as well as the proceedings of the Special (Pocso)

Case No.25 of 2023 pending before the learned 4th Additional District and Sessions Court, Amreli, so also all other consequential proceedings arising pursuant thereto qua the applicant.

3. **RULE** returnable forthwith. Learned APP Ms. Krina Calla waives service of notice of rule for and on behalf of the respondent no.1 – State.

4. At the outset, learned advocate Mr. Mohammed Riyan Mansuri for Mr. Shailesh Ahir, learned advocate appearing for the applicant, has submitted that the victim girl, who is the daughter of the complainant (i.e. the respondent No.2), was aged about 16 years 02 months and 09 days at the time of the alleged incident, and she, her own will and volition, had eloped with the present applicant. It is also submitted that after attaining the age of majority, she got married with the present applicant on 10.05.2025 and the marriage has also been registered on 12.05.2025 before the Marriage Registrar, Bavapipaliya, Taluka-Jetpur, District – Rajkot. The marriage certificate is annexed at Annexure- G to the application. It is further submitted that the victim-girl has also submitted that she is now happily residing with the applicant and therefore, she has no objection if the

application is allowed and the impugned FIR is quashed and set-aside. Therefore, he has urged that since the dispute between the parties has been amicably resolved, the trial would be a futile exercise and further continuing the criminal proceedings against the applicant would amount to abuse of process of law.

5. The relevant paragraphs of the affidavit filed by the victim-girl read as under:-

"(1) I state and submit that I am the victim and daughter of Respondent No.2 - Original Complainant herein, my father had filed complaint on 12/07/2023 with Amreli Rural Police Station, District: Amreli being C.R. No. 11193004230374 of 2023 (herein after referred to "Impugned FIR") for the offences punishable under section 363 and 366 of the Indian Penal Code (herein after referred to "IPC") and under section 18 of Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to "POCSO Act"), therefore I am conversant with facts and circumstances of the case, therefore I am competent to file this Affidavit. I say and submit that I victim Nandani D/o Kamleshbhai Gohil W/o Aalagiya Sandipbahi Chandubhai was married on 10/05/2025 with Mr. Aalagiya Sandipbahi Chandubhai-Petitioner and residing as husband and wife and for that marriage certificate is issued on 12/05/2025 by the Marriage Registrar, Bavapipaliya, Taluka: Jetpur, District: Rajkot (Annexure-G, Page 57). Further I settled this dispute as I residing with my husband with peaceful life and I don't want to proceed further.

(2) I further say and submit that Petitioner and I-Daughter of respondent No.2 Original Complainant were settled the case and now no grievance pending between us. In view of that I have no objection if the present petition is allow for quashing of FIR being C.R. No. 11193004230374 of 2023 for the offences punishable under section 363 and 366 of the IPC and under section 18 of POCSO Act registered with the Amreli Rural Police Station, District: Amreli on 12/07/2023, Charge-sheet and POCSO Case No. 25 of 2023 pending before the Hon'ble 4th Additional District and Sessions Judge, Amreli, and any subsequent proceeding arising from the FIR, on the ground of settlement amicably all the disputes.

(3) I respectfully say and submit that the dispute between us is resolved and there is no surviving grievance. The settlement arrived between me and Petitioner would be binding to me/my legal representative with respect to the aforementioned offence for all time to come in future. I have settled this matter without any coercion or force from the petitioner.

(4) I respectfully say and submit that victim daughter of Respondent No.2 Original Complainant also settles the dispute between the petitioner and I daughter of respondent No.2 Original Complainant. Therefore I pray this Hon'ble Court to allow the petition and may be please to quashing and setting aside of FIR being C.R. No. 11193004230374 of 2023 for the offences punishable under section 363 and 366 of the IPC and under section 18 of POCSO Act registered with the Amreli Rural Police Station, District: Amreli on 12/07/2023, Charge-sheet and POCSO Case No. 25 of 2023 pending before the Hon'ble 4th Additional District and Sessions Judge, Amreli, and any subsequent proceeding arising from the FIR."

6. Having heard learned advocate for the applicant-accused as well as the victim and the complainant, so also taking into consideration the affidavits filed by the victim-girl and the complainant along with the decisions of the Supreme Court 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), it appears that continuing further with the criminal proceedings in relation to the impugned FIR and the Special (Pocso) Case against

the applicant-accused would be nothing but unnecessary harassment to the applicant-accused.

7. Considering the nature of the dispute between the parties as well as considering the peculiar aspect, this Court is of the considered opinion that the matter requires consideration. The continuation of the trial would be a futile exercise since the victim-girl, does not want to continue further with the proceedings pursuant to the impugned FIR and the Special (Pocso) Case. It, therefore, appears that the same would amount to abuse of process of law. Therefore, to secure the ends of justice, the impugned FIR as well as the proceedings of the Special (Pocso) Case are required to be quashed and set aside in exercise of the inherent powers conferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. In the result, the application is allowed. The FIR being CR. No.11193004230374 of 2023 registered with the Amreli Rural Police Station, District - Amreli, for the offences punishable under Sections 363, 366, 376, 376(2)(j) and 201 of the Indian Penal Code and under Sections 4, 6, 8 and 18 of the POCSO Act, the charge sheet as well as the proceedings of the Special (Pocso) Case No.25 of 2023 pending before the learned 4th Additional

District and Sessions Court, Amreli, so also all other proceedings arising pursuant thereto are also quashed and set-aside qua the applicant.

9. Rule made absolute. Direct service is permitted.

(VIMAL K. VYAS, J)

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