

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 4707 of 2026**

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RAJU NAGABHAI KALEJIYA

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR A A ZABUAWALA(6823) for the Applicant(s) No. 1

NOTICE NOT RECD BACK for the Respondent(s) No. 2

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

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CORAM:**HONOURABLE MR. JUSTICE VIMAL K. VYAS****Date : 12/03/2026****ORAL ORDER**

1. Learned advocate Mr. A.N. Pathan appears and submits that he has instructions to appear on behalf of the respondent no.2 – complainant. He is permitted to file his appearance. Registry shall accept his vakalatnama.

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 judgment and order dated 21.02.2024 passed by the learned 17th Additional Chief Judicial Magistrate, Rajkot, in Criminal Case No.14211 of 2019, as well as all other consequential proceedings arising pursuant thereto.

3. Today, when the matter is called out, the authorized officer of the HDFC Bank Ltd. - complainant, namely, Kiranbhai Rajeshkumar Sukhadiya, is personally present before this Court and has produced his identity proof as well as the affidavit with allied documents, which are ordered to be taken on record. In the said affidavit, the complainant has categorically stated that he has received the entire amount of Rs.2,50,000/- and the dispute has been amicably resolved with the applicant. The complainant has further stated that he has no grievance or ill-will against the 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 Mr. Manan Maheta waives service of notice of rule for and on behalf of the respondent no.1 – State and learned advocate Mr. A.N. Pathan waives service of notice of rule for and on behalf of the

respondent no.2 – complainant.

6. The authorized officer of the HDFC Bank - complainant, who is personally present before this Court, has categorically stated that the dispute has been amicably resolved between the applicant and he has no objection if the application is allowed and the impugned judgment and order is quashed and set-aside.

7. The relevant paragraphs of the affidavit filed by the authorized officer of the HDFC Bank Ltd. - complainant, namely, Kiranbhai Rajeshkumar Sukhadiya, read thus :

“ 4. That, thereafter, the petitioner had expressed his bona fide willingness and readiness to amicably resolve the dispute. Pursuant thereto, the respondent no:-2 / Bank, after completion of requisite formalities, forwarded a proposal dated 28.01.2026 for full and final settlement of the entire dispute, offering to accept a total sum of Rs. 2,50,000/- (Rupees Two Lakh Fifty Thousand Only) on or before 31.01.2026; however, in compliance with the said proposal, the petitioner has duly paid the entire agreed amount of Rs. 2,50,000/- (Rupees Two Lakh Fifty Thousand Only) on: 28.01.2026 to the respondent / bank authorities within the stipulated time; thus, there is not disputed is pending with the petitioner; and thus, the Bank authorized me to give consent and to file affidavit of giving consent to quash and set aside the Judgment DT: 21.02.2024 passed by the Learned 12th Additional Chief Judicial Magistrate, Lim Kheda in Criminal Case No. 14211 OF 2019 at EXHIBIT 23; in interest of Justice.

5. That, pursuant to the said settlement, the bank has received the entire cheque amount and any other dues from the accused, and there now remains no grievance, claim, or dispute between bank and the accused in respect of the said transaction.

6. That, in view of the aforesaid settlement, the bank does not wish to pursue the said complaint any further and I have no objection if the impugned Lim Kheda in Criminal Case No. 14211 OF 2019 at EXHIBIT 23, is quashed and set aside by this Hon'ble Court.”

8. Thus, it appears from the aforesaid that to continue further with the proceedings pursuant to the impugned judgment and order would be a futile exercise and the same would amount to abuse of process of law.

9. 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 judgment and order 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 judgment and order as well as 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.

10. In the result, the application is allowed. The judgment and order dated 21.02.2024 passed by the learned 17th Additional Chief Judicial Magistrate, Rajkot, in Criminal Case No.14211 of 2019, as well as all other consequential proceedings arising pursuant thereto, are hereby ordered to be quashed and set-aside qua the present applicant.

11. 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 13/03/2026 18:15:35