

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 4646 of 2026**

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KUMAR AJEET BIRENDRA SINGH BHUMIHAR
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR RAMNANDAN SINGH(1126) for the Applicant(s) No. 1
MR MANAN MAHETA, LD.ADDL. PUBLIC PROSECUTOR 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 Ms.Hiral Prajapati appears and submits that she has instructions to appear on behalf of the respondent no.2 – original complainant. She is permitted to file her appearance. Registry shall accept her vakalatnama.

2. 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- 7 of 2019 registered with the Morbi Taluka Police Station, Morbi, for the offences punishable under Sections 406, 420 and 120(B) of the Indian Penal Code; the charge sheet dated 30.05.2019 as well as the proceedings of the Criminal Case No.3683 of 2019 pending before the learned Chief Judicial Magistrate, Morbi qua the applicant herein, so also all other consequential proceedings arising pursuant thereto.

3. Today, when the matter is called out, the original complainant, who is personally present before this Court, has produced his identity proof as well as the additional affidavit, which are ordered to be taken on record. In the additional affidavit, the complainant has categorically stated that the dispute between him and the applicant- accused has been amicably resolved and there is no ill-will or any grievance amongst them. He, therefore, does not want to proceed further with the criminal proceedings pursuant to the impugned FIR, the charge-sheet and the Criminal 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 Mr.Manan Maheta waives service of notice of rule for and on behalf of the respondent no.1 – State and learned advocate Ms.Hiral Prajapati 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 Criminal 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 Criminal 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 dated 18.02.2026, read thus :

“1. I say and submit that I have filed a complaint being FIR, being C. R. No.I- 7 of 2019 registered before Morbi Taluka Police Station, Morbi on 12.01.2019 for the offence punishable under Section 406, 420 and 120(B) of Indian Penal Code against the applicant herein.

2. I say and submit that charge-sheet came to be filed and Criminal Case No.3683 of 2019 came to be registered against the present applicant and trial is pending.

3. I say and submit that the present applicant has agreed to compensate the loss caused to me through the present applicant. Hence, I am giving consent to quash the FIR, being C. R. No. I - 7 of 2019 registered before Morbi Taluka Police Station, Morbi on 12.01.2019, charge-sheet dated 30.05.2019 filed by Morbi Taluka Police Station and Criminal Case No.3683 of 2019 pending before learned Chief Judicial Magistrate, Morbi qua the applicant herein. I have also no objection if the bank accounts of the applicant, being Saving Account No.6112108001282 in Canara Bank, Main Chowk, Ghumti Road, Warsliganj, Nawada, Bihar and Saving account No. 379401000000808 in Indian Overseas Bank Warsliganj, Nawada, Bihar, freezed by the police authorities in connection with the aforesaid FIR are ordered to be de-freezed.

4. I am filing this affidavit with my own volition without any undue influence or pressure by any person upon me.”

9. The relevant paragraphs of the additional affidavit of the original complainant dated 12.03.2026, read thus :

“1. I say and submit that I have filed a complaint being FIR, being C. R. No.I- 7 of 2019 registered before Morbi Taluka Police Station, Morbi on 12.01.2019 for the offence punishable under Section 406, 420 and 120(B) of Indian Penal Code against the applicants herein.

2. I say and submit that I have already filed one affidavit before this Hon'ble Court but this is being

filed in addition to the earlier affidavit.

3. I say and submit I have already encashed draft of Rs.20,00,000/- bearing No.002656 drawn at HDFC bank, Nawada. Copy of statement of account of my bank i.e. Shri Rajkot District Co-operative Bank Ltd. is annexed herewith and marked as ANNEXURE-'I' to this affidavit.

4. I say and submit that I give consent for Kumar Ajeet S/o. Birendra Singh Bhumihar for quashing of FIR being C. R. No. I 7 of 2019, charge sheet dated 30.05.2019 and Criminal Case No.3683 of 2019 pending before learned Chief Judicial Magistrate, Morbi qua Kumar Ajeet S/o. Birendra Singh Bhumihar and FIR being C. R. No.I- 7 of 2019, charge sheet dated 09.04.2019 and Criminal Case No. 2483 of 2019 pending before learned Chief Judicial Magistrate, Morbi qua Gopal Kumar S/o. Manoj Singh Bhumihar as I have already received the amount.

5. I say and submit that I have no objection if the bank account of the accused which were freezed are de-freezed.

6. I am filing this affidavit with my own volition without any undue influence or pressure by any person upon me.”

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 Criminal 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 proceedings of the Criminal 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 Criminal 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- 7 of 2019 registered with the Morbi Taluka Police Station, Morbi, for the offences

punishable under Sections 406, 420 and 120(B) of the Indian Penal Code; the charge sheet dated 30.05.2019 as well as the proceedings of the Criminal Case No.3683 of 2019 pending before the learned Chief Judicial Magistrate, Morbi, so also all other consequential proceedings arising pursuant thereto, are hereby ordered to be quashed and set-aside qua the present applicant only.

12. The learned Chief Judicial Magistrate, Morbi, is directed to pass an order to de-freeze the bank accounts of the applicant being Savings Bank Account No.6112108001282 with the Canara Bank, Main Chowk, Ghumti Road, Warsliganj, Nawada, Bihar, and Savings Bank Account No.379401000000808 with the Indian Overseas Bank, Warsliganj, Nawada, Bihar.

13. 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 13/03/2026 18:24:49