

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO. 4759
of 2026**

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SOHEL ASFAK SHAIKH & ANR.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR. KISHORE PRAJAPATI(6305) for the Applicant(s) No. 1,2

MR. PREMDEEP V JADEJA(13939) 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 : 05/03/2026****ORAL ORDER**

1. By way of filing the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants-accused have prayed to quash and set-aside the First Information Report No.11210050260095 of 2026 registered with the Rander Police Station, District - Surat, for the offences punishable under Sections 64(1), 64(2)(m), 64(2)(l), 351(3) and 54 of the Bharatiya Nyaya Sanhita, 2023, as well as all other consequential proceedings arising pursuant thereto.

2. Learned advocate Mr. Kishore Prajapati appearing for the applicants has submitted an additional affidavit of the

applicants. The same is ordered to be taken on record.

3. Today, when the matter is called out, the complainant, who is virtually present before this Court. Learned advocate appearing on her behalf has produced her identity proof as well as the affidavit, which are ordered to be taken on record. In the said affidavit, the complainant has categorically stated that she has received her dues of Rs.14,00,000/-. She has further stated that the dispute between her and the applicants-accused has been amicably resolved and there is no ill-will or any grievance amongst them.

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. Premdeep Jadeja waives service of notice of rule for and on behalf of the

respondent no.2 – complainant.

6. The complainant, who is virtually present before this Court, has categorically stated that the dispute has been amicably resolved between the parties and she has no objection if the application is allowed and the impugned FIR is quashed and set-aside.

7. The relevant paragraphs of the affidavit filed by the complainant – Tarannum Sufiyan Zariwala w/o Ibrahim Zariwala, read thus :

“2. At the outset I say and submit that, the complaint being CR No.11210050260095 dated 22.01.2026 registered before Rander Police Station of Surat District for The offences punishable under sections 64(1), 64(2)(m), 64(2)(1), 351(3) and 54 of BNS, 2023 by me.

3. At the outset, I say and submit that after lodging of complaint the area peoples and elderly persons of society gathered and amicably settled the dispute and the due amount of Rs.14,00,000/- returned back to me and now I do not want to proceed further the complaint filed by me qua all the accused as the due amount is already received by me and the accused persons are known to me since long and they are my good friends. I say and submit that, as and when the accused No.1 came to India I will co-operate for quashing the FIR qua him also.

4. At the outset, I say and submit that, in fact the applicants and me are known to each other since long. The allegations made in the complaint are formal and the amount due is received and at present there is no grudge between us. It is submitted that, the dispute is now settled in presence of elderly persons of the society and village people.”

8. Thus, it appears from the aforesaid that to continue further with the proceedings pursuant to the impugned FIR

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 FIR 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 FIR and 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 proceedings of the First Information Report No.11210050260095 of 2026 registered with the Rander Police Station, District - Surat, for the offences punishable under Sections 64(1), 64(2)(m), 64(2)(l), 351(3) and 54 of the Bharatiya Nyaya Sanhita, 2023, as well as all other consequential proceedings arising pursuant thereto, are hereby ordered to be quashed and set-aside qua the present applicants.

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 06/03/2026 15:03:35