

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO. 6157
of 2026**

=====

PRIT BITULBHAI CHOKSI
Versus
STATE OF GUJARAT & ANR.

=====

Appearance:

MR SHRIRAJ D SHAH(10475) for the Applicant(s) No. 1

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

=====

CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS**Date : 02/04/2026****ORAL ORDER**

1. Learned advocate Mr. Shivam Choksi appears and submits that he has instructions to appear on behalf of the respondent no.2 - original complainant. He is permitted to file his appearance. Registry shall accept his vakalatnama as and when the same is filed.

2. By way of preferring the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant-accused seeks to invoke the inherent powers of this Court, praying to quash and set-aside the First Information Report No. 11207025240720 of 2024 registered with the Godhra 'A' Division Police Station, District Panchmahals, for the offences punishable under Sections 333, 324(4), 352, 351(2), 54 of the Bharatiya Nyaya Sanhita, 2023 and under Section 135 of the G.P. Act as well as the proceedings of the Criminal Case

No.294 of 2025 pending in the Court of the learned Chief Judicial Magistrate Court, Godhra, so also all other consequential proceedings arising pursuant thereto.

3. Today, when the matter is called out, the complainant is present before this Court through virtual mode. The complainant has also filed an affidavit, which is annexed at Annexure 'B' to the application. In the said affidavit, the complainant has categorically stated that with the intervention of the friends, family members and community people, the dispute has been amicably resolved with the present applicant 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 Ms. Krina Calla waives service of notice of rule for and on behalf of the respondent no.1 - State and learned advocate Mr. Shivam Choksi 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

as well as the proceedings of the Criminal Case may be quashed and set-aside.

7. The complainant, who is present in the Court through virtual mode, has categorically stated before this Court that he has no objection if the application is allowed and the FIR as well as the proceedings of the Criminal Case are quashed and set-aside. Thus, it appears from the aforesaid that sending the applicants-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 filed by the complainant - Hasmukhbhai Kantilal Choksi, read thus :

"1. I state that I am filing this affidavit for the limited purpose to appropriately get the case of applicant i.e. accused no. 1 disposed off who has been main accused and also my nephew in the FIR being the FIR being I.C.R. No. 11207025240720 of 2024 registered at Godhra "A" Division Police Station, Dist. Panchamahar for the offences punishable u/s 333, 324(4), 352, 351, 54 of Bhartiya Nagarik Surksha Sahita and under section 135 of the Gujarat Police Act.

2. It is stated that all the parties sat together in presence of elderly persons of the family. The parties have amicable settled the dispute and had decided to have peaceful and amicable relations between each other.

3. In view of the above facts, being an original complainant, I do not have any grievance against the present applicant and therefore, appropriate order may be passed which would subserve the ends of justice as that will maintain, peace and harmony as well as ensure cordial relations between the parties and will co-operate with each other.

4. It is also stated that I also undertake to co-operate in the proceedings before the court of law and confirm such facts and circumstances as mentioned hereinabove in person as and when necessary.

5. In view of the above, I undertake to co-operate the present applicant in the FIR being I.C.R. No. 11207025240720 of 2024 registered at Godhra "A" Division Police Station, Dist. Panchmahal for the offences punishable u/s 333,324 (4), 352, 351, 54 of Bhartiya Nagarik Surkasha Shahita and under section 135 of the Gujarat Police Act filed by me in getting that also appropriately disposed off.

6. I state and submit that I am filing this affidavit without any pressure, inducement and threat of any person concern with the matter and I further state that I have filed this affidavit in proper state of mind with any pressure. I also submit that my liberty may be kept open to file a fresh complaint in case same incident is occurred by the applicant in near future and also liberty may be kept open to recall the matter. Therefore in view of the aforesaid facts stated by me, I state that if this Hon'ble Court quashes the FIR filed by me and terminate my complaint in that case, I have no objection. What is stated herein above is of my knowledge, the best information and belief; and I believe the same true to own to be true and the present affidavit is done without coercion or influence."

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 further continuation of the criminal proceedings in

relation to the impugned FIR and the Criminal Case against the applicant-accused would be nothing but unnecessary harassment to the applicant-accused. It further appears that the trial would be a futile exercise and continuing further with the proceedings pursuant to the impugned FIR and the proceedings of the Criminal Case would amount to abuse of process of law. Hence, to secure the ends of justice, the impugned FIR 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 Bharatiya Nagarik Suraksha Sanhita, 2023.

10. In the result, the application is allowed. The First Information Report No. 11207025240720 of 2024 registered with the Godhra 'A' Division Police Station, District Panchmahals, for the offences punishable under Sections 333, 324(4), 352, 351(2), 54 of the Bharatiya Nyaya Sanhita, 2023 and under Section 135 of the G.P. Act as well as the proceedings of the Criminal Case No.294 of 2025 pending in the Court of the learned Chief Judicial Magistrate Court, Godhra, so also all other consequential proceedings arising pursuant thereto are hereby ordered to be quashed and set-aside, qua the present applicant only.

11. Rule made absolute. Direct service is permitted.

(VIMAL K. VYAS, J)

AMAR SINGH