

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO. 5021
of 2026**

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IMTIAZBHAI @ LALO BHIKHUBHAI RAUMA
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR ASHISH M DAGLI(2203) for the Applicant(s) No. 1
MR ABHISHEK K KHUMAN(12902) 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 : 03/03/2026

ORAL ORDER

1. On 27.02.2026, this Court has passed the following order:

"1. Learned advocate Mr. Abhishek Khuman 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. Learned advocate Mr. Abhishek Khuman has tendered the affidavit of the complainant, who herself is the victim. The same is ordered to be taken on record.

3. The complainant is personally present before this Court, today and has admitted the contents of her affidavit and has submitted that since the matter is settled between her and the applicant, she does not want to proceed further.

4. Stand over to 03.03.2026."

2. Today, learned advocate Mr. Ashish Dagli appearing for the applicant has tendered an affidavit dated filed by the applicant. The same is ordered to be taken on the record.

3. By way of filing this application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant-accused has prayed to quash and set aside the FIR being C.R. No.11208044250672 of 2025 registered with the Pradhyumannagar Police Station, District- Rajkot City, for the offences punishable under Sections 352 and 351(3) of the Bharatiya Nyaya Sanhita, 2023, as well as the proceedings of the Criminal Case No.49389 of 2025 pending before the learned Chief Judicial Magistrate, Rajkot, so also all other consequential proceedings arising pursuant thereto qua the present applicant.

4. Today, when the matter is called out, the complainant is virtually present before the Court and has produced her identity proof, which is ordered to be taken on record. The affidavit of the complainant is annexed at Annexure- C to the application. In the said affidavit, the complainant has categorically stated that the dispute with the applicant has been resolved and there is no ill-will or any grievance amongst them.

5. Considering the issue involved in the present application as well as considering the fact that the dispute between the parties has been amicably resolved, with the consent of learned advocates for the respective parties, the present application is taken up for final disposal.

6. **Rule** returnable forthwith. Learned APP Ms. Krina Calla waives service of notice of rule for and on behalf of the respondent No.1 State. Learned advocate Mr. Abhishek

Khuman waives service of notice of rule for and on behalf of the respondent No.2- complainant.

7. The complainant, who is virtually present before the Court, has categorically stated that the dispute with the applicant has been amicably resolved and she has no objection if the FIR as well as the Criminal Case are quashed. Thus, sending the applicant-accused to face the trial would be a futile exercise.

8. The relevant paragraphs of the affidavit filed by the applicant read thus:

"I, undersigned Imtiaz Rauma, male, aged 24 years, R/e Rajkot, do hereby solemnly affirm on oath as under:

1. Being petitioner of the present case, I'm aware about the facts and circumstances of the case.

2. An F.I.R filed on 20.8.2025 before Pradumannagar Police Station, Rajkot being CR. No.I-11208044250672 of 2025 against the applicant for the offenses under sections 352 and 351(3) of Bharatiya Nyaya Sanhita, 2023 against myself.

3. I say and submit that as myself and complainant belongs to same community, with the help of friends and elder people of community the dispute is resolved and even I have promised to our community people that now onwards, i will not call or threaten or harass complainant and that is how dispute is amicable resolved between us and now no longer grievance exists.

4. I say and submit that, I undertake to not call or threaten or harass complainant after quashment of present offence."

9. The relevant paragraphs of the affidavit filed by the complainant read thus:

"4. I say and submit that I had already divorced my husband and currently I am staying with my mother and my son named

Prince.

5. I say and submit that myself and petitioner has consensual relation and further as our relation turned sour we had parted our ways and further the dispute pertains to personal and private in nature, and with the help of friends, family, the same is resolved.

6. I say and submit that as myself and petitioner belongs to same community, with the help of friends and elder people of community the dispute is resolved and even petitioner has promised to our community people that now onwards, he will not call me or threaten me or harass me and that is how dispute is amicable resolved between us and now no longer grievance exists.

7. I say and submit that the dispute between myself and applicant-accused is settled now and we have buried our grievances, and it was decided to conclude the proceedings. I say and submit that as now the dispute is no longer exists between myself and applicants, I, therefore humbly urges the Hon'ble Court to terminate the proceeding as prayed for by the applicant by quashing and setting aside the F.I.R being CR No. 1-11208044250672 of 2025 filed before Pradumannagar Police Station, Rajkot and further proceedings arising thereof."

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) as well as **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 and 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 as well as the Criminal Case, would amount to abuse of process of law. Hence, to secure the ends of justice, the criminal proceedings of the impugned FIR as well as the proceedings of the Criminal Case, so also all other consequential proceedings are required to be quashed and set aside in exercise of the powers conferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

11. In the result, the application is allowed. The FIR being C.R. No.11208044250672 of 2025 registered with the Pradhyumnagar Police Station, District- Rajkot City, for the offences punishable under Sections 352 and 351(3) of the Bharatiya Nyaya Sanhita, 2023, as well as the proceedings of the Criminal Case No.49389 of 2025 pending before the learned Chief Judicial Magistrate, Rajkot, so also all other consequential proceedings arising pursuant thereto qua the applicant are hereby quashed and set aside qua the present applicant.

12. Rule made absolute. Direct service is permitted.

(VIMAL K. VYAS, J)

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