

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING)
NO. 6949 of 2026**

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ANKITBHAI HARSHADBHAI SONI & ANR.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR ISHAN H RAJDEV(11634) for the Applicant(s) No. 1,2

MR UVESH M SHAIKH(11313) for the Respondent(s) No. 2

MS.C.M.SHAH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE S.V. PINTO

Date : 06/05/2026

ORAL ORDER

1) RULE. Learned Additional Public Prosecutor Mr. Aditya Jadeja and learned advocate Mr. U.M.Shaikh appear and waive service of notice of rule on behalf of their respective respondents.

2) By way of this application under Section 582 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "the BNSS, 2023), the applicants have prayed for quashing and setting aside **F.I.R. bearing C.R.No. 11216011260118 of 2026** registered with **INFO City Police Station, Gandhinagar** as well as other consequential proceedings arising out of the said *FIR.*

3) Heard learned advocate Mr. Ishan H. Rajdev for the applicants, learned Additional Public Prosecutor Ms. C.M.Shah for the respondent No. 1 – State and Mr. U.M.Shaikh learned advocate

for the respondent No.2 – original complainant.

4) Both the learned advocates have jointly submitted that during the pendency of present application, the matter is amicably settled amongst the parties and therefore, any further continuation of the proceedings pursuant to the impugned FIR would create hardship to the parties and further continuation of the proceedings would amount to abuse of process of law.

5) Learned Additional Public Prosecutor has opposed the application and submitted that looking to averments made in the FIR, complaint may not be quashed.

6) Learned advocate Mr. U.M.Shaikh appearing for the complainant tenders the settlement affidavit, affirming, *inter alia*, by the respondent No. 2 – original complainant – Gambhirsinh Arjansinh Chudasama, the same is ordered to be taken on record.

7) The affidavit of the respondent No. 2 - original complainant reads as under: -

I, Gambhirsinh Arjansinh Chudasama, Aged: 37 years, Male, Residing at: A-403, Devalay Housing Society, Bh. D-Mart, Sargasan, Gandhinagar, the respondent No. 2 herein, do solemnly affirm and state on oath as under:

1. I have gone through memo of this application filed by the applicants and I have also perused relevant papers pertaining thereto. I am conversant with the facts of the present case and hence I am filing this affidavit.

2. I state that I am the first informant of the First Information Report challenged in the subject matter of the

above-captioned petition being C.R. No. 11216011260118/2026 dated 22/02/2026 registered with Infocity Police Gandhinagar, for the offences punishable under 115(2), 118(2), 352, 54, 351(2) of Bhartiya Nyaya Sanhita r/w Section 135 of GP Act.

3. I state that due to persuasion of the trusted persons in the family, friends and society, I have amicably settled the matter with the applicants. I state that now since the dispute between us no longer survives, I have no objection if the impugned FIR is quashed and set aside for all of the accused.

4. I say and submit that in view of the settlement entered into between the present petitioner and myself, no useful purpose would be served by continuing the prosecution further. I say and submit that the impugned FIR may kindly be quashed and set aside.

5. I hereby give my no objections to this petition and say that this petition may kindly be allowed on the ground of settlement.

6. I say and submit that settlement/compromise as aforesaid has been entered into between the parties out of my free will and without any pressure from any other and without having been influenced by anyone. I earnestly request this Hon'ble Court to quash the impugned FIR and consequential proceedings in the interest of Justice."

8) So far as Section 482 of the Cr.P.C. is concerned, the Apex Court in the case of **Parbatbhai Aahir Alias Parbatbhai Bhimsinhbhai Karmur Vs. State of Gujarat** reported in **AIR 2017 SC 4843**, has observed in Para-15 as under:

"15. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

(i) Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognizes and preserves powers which inherent the High Court;

(ii) The invocation of the jurisdiction of the High Court to quash a First Information Report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose

of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

(iii) In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power,

(iv) While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised; (i) to secure the ends of justice or (ii) to prevent an abuse of the process of any court;

(v) The decision as to whether a complaint or First Information Report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated;

(vi) In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences;

(vii) As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned;

(viii) Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute;

(ix) In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

(x) There is yet an exception to the principle set out in propositions (viii) and (ix) above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash

where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

9) On perusal of the FIR, the offense has been registered under Sections 115(2), 118(2), 352, 54 and 351(2) of the Bhartiya Nyaya Sanhita, 2023 .

Section 115(2) of the BNS, 2023 reads as under:-

115 Voluntarily causing hurt:

(i) xxx xxx xxx

(ii) Whoever, except in the case provided for by sub- section (1) of section 120 voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both.

118(2) Voluntarily causing hurt or grievous hurt by dangerous weapons or means

(i) xxx xxx xxx .

(ii) Whoever, except in the case provided for by sub-section (2) of section 120, voluntarily causes grievous hurt by any means referred to in sub-section (1), shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than one year but which may extend to ten years, and shall also be liable to fine.

351 (2) Criminal intimidation

(i) xxx xxx xxx .

(ii) Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

(iii) xxx xxx xxx.

(iv) xxx xxx xxx .

10) If the contents of the FIR are perused, it emerges that on 22/02/2026, after the complainant's son Aryavir Chudasama informed the complainant that he had been slapped by the son of Ankitbhai Soni, the complainant went to Ankitbhai's residence to question him. During the discussion, Ankitbhai Soni abused and assaulted the complainant with an iron pipe, while Suvarnaben Soni also joined in the assault. It is further alleged that Ankitbhai's son came with a sword and attempted to attack the complainant's son. The complainant sustained serious head and leg injuries and was admitted for medical treatment. Subsequently, respondent No.2 – the original complainant, has placed on record an affidavit stating, inter alia, trusted persons in the family, friends and society, the respondent No. 2 has amicably settled the matter with the applicants and now since the dispute between the respondent No. 2 and the applicants no longer survives, the respondent No. 2 has no objection if the impugned FIR is quashed and set aside for all of the accused. It is further stated that the respondent No. 2 does not wish to prosecute the matter any further and has no objection if the impugned FIR, along with all consequential proceedings arising therefrom, is quashed and set aside in the interest of justice.

11) The issue does not pertain to any offense of involving mental depravity or serious offense such as murder, rape or dacoity and in view of the settled proposition of law, in the case of *Parbatbhai Ahir @ Parbatbhai Bhimsinbhai Karmur* (supra), this Court deems this case fit for quashing as the parties have settled the dispute. Moreover, in view of the settlement arrived at between the parties, continuation of the proceeding would serve no useful purpose and the matter deserves to be brought to an end by exercising inherent jurisdiction. Accordingly, the present petition is allowed.

12) Resultantly, this application is allowed and the ***F.I.R. bearing C.R.No. 11216011260118 of 2026*** registered with ***INFO City Police Station, Gandhinagar*** as well as other consequential proceedings arising out of the said FIR is hereby quashed and set aside qua the applicants. Direct service permitted.

(S. V. PINTO,J)

VISHAL MISHRA