

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO. 7140
of 2026**

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KHODABHAI MOHANBHAI GOHIL
Versus
STATE OF GUJARAT & ANR.

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Appearance:

VASIMRAJA A KURESHI(8609) for the Applicant(s) No. 1

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

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CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS

Date : 06/04/2026

ORAL ORDER

1. Learned advocate Ms. Devanshi Kakkad 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 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 being I-C.R. No. 104 of 2016 registered with the Padra Police Station, Vadodara Rural, for the offences punishable under Sections 465, 467, 468, 471 of the Indian Penal Code; the chargesheet, as well as the proceedings of the Criminal Case No. 1580 of 2017 pending in the Court of the learned Additional Chief Judicial Magistrate, Padra, so also all other consequential

proceedings arising pursuant thereto.

3. Today, when the matter is called out, the complainant, who is personally present before this Court, has submitted an additional affidavit. The same is ordered to be taken on record. In the said additional affidavit, the complainant has categorically stated that with the intervention of the friends, family members and community people, the dispute with the present applicant 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 Ms. Krina Calla waives service of notice of rule for and on behalf of the respondent no.1 - State and learned advocate Ms. Devanshi Kakkad 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 proceeding of the Criminal Case may be quashed and set-aside.

7. The complainant, who is personally present in the Court, has categorically stated before this Court that he has no objection if the application is allowed and the FIR, the chargesheet 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 filed by the complainant - Ravjibhai Dahyabhai Parmar , read thus :

"3. That with the intervention of community elders and well-wishers, the matter has now been amicably settled between me and the accused persons outside the court. We have resolved all our differences, and I have no surviving grievance or cause of action against them.

4. I say that I have gone through the memo of petition and the facts stated in the memo of petition are not disputed by me. At the outset, I say and submit that the disputes and grievances have been amicably settled with the petitioner. The dispute is amicably settled between us and I also say and submit that, thus no grievances are left against the petitioners.

5. I say and submit that I have filed the impugned complaint pursuant to that I have received an amount of Rs,5,50,000/- (five lakh fifty thousand rupees) by way of cheque no.506070 with Axis Bank, Padra Branch, Vadodara District on 14/07/2023 and further Regular Civil Suit no. 184 of 2025 filed before Padra Civil Court by us whereof also settled on 02/08/2023 and now no grievance left against the petitioner herein and in the interest of justice present applicant may be set free from all the charges in the interest of justice.

6. That I do not wish to proceed further with the above FIR or any criminal case arising out of it. I state that the dispute was personal and private in nature and continuing the proceedings would only cause unnecessary hardship and tension among

family members.

7. *That I have no objection if the Hon'ble High Court is pleased to quash the FIR and all criminal proceedings arising therefrom against the above-named accused persons.*

8. *That I am executing this affidavit voluntarily, without any coercion, pressure, or undue influence from any corner, and out of my own free will, in the interest of peace and harmony.*

9. *In the facts and circumstances as narrated above, I at my free will, wish, desire am stating on oath that I do not wish the present petitioner remains in judicial custody and to prosecute the criminal proceeding against the petitioner as dispute between us have been amicably settled, I state that in complaint filed by me being F.I.R. No. 1/104/2016 of 2016 registered with Padra Police Station, District Vadodara rural dated 24/11/2016 for the offences under sections 465, 467, 468 and 471 of Indian Penal Code As Well as Charge sheet Culminated into Criminal Case No. 1580 of 2017 pending before Add. Chief Judicial Magistrate, Padra As well as all the consequential proceedings arise out of it may quashed and set aside by this hon'ble court The present Petitioner may be released and set free from all proceedings the interest of justice."*

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, the chargesheet 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, the chargesheet as well as the Criminal Case would amount to abuse of process of law. Hence, to secure the ends of justice, the impugned FIR, the chargesheet as well as the proceeding 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. being I-C.R. No. 104 of 2016 registered with the Padra Police Station, Vadodara Rural, for the offences punishable under Sections 465, 467, 468, 471 of the Indian Penal Code; the chargesheet, as well as the proceedings of the Criminal Case No. 1580 of 2017 pending in the Court of the learned Additional Chief Judicial Magistrate, Padra, 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