

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO. 7501
of 2026**

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SANJAYBHAI MANUBHAI BARIYA & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR. BHARGAV K MEHTA(7094) for the Applicant(s) No. 1,2,3

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

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

1. Learned advocate Mr. Pinkain B. Raval 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.

2. By way of preferring the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants-accused seek to invoke the inherent powers of this Court, praying to quash and set-aside the First Information Report No. 11193050250800 of 2025 registered with the Rajula Police Station, District Amreli, for the offences punishable under Sections 310(2), 115(2), 61(2) of the Bharatiya Nyaya Sanhita, 2023, as well as all other consequential proceedings arising pursuant thereto.

3. Today, when the matter is called out, the complainant is

personally present before this Court. He has also filed an affidavit, which is annexed at Annexure 'C' 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 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. Pinkain B. Raval waives service of notice of rule for and on behalf of the respondent no.2 - complainant.

6. Learned advocate for the applicants-accused has submitted that since the dispute has been amicably resolved between the parties, the application may be allowed and the impugned FIR 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 impugned FIR is

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 - Sikandarbhai Rahimbhai Saiyed, read thus :

"1. That I have lodged a criminal complaint which has been registered 18.10.2025 as CR No. 1-11193050250800 of 2025, under Sections 310(2), 115(2), 61(2) of the BNS with Rajula Police Station, District Amreli connected proceedings, and I state that upon the intervention of the village people and the community members, I have agreed to consent to the quashing of the complaint registered by me qua the petitioner I further state that the consent given by me to quash the impugned complaint and connected proceedings, and I accord consent to without any force, fraud or coercion. I therefore accord my consent to this Hon'ble Court to quash the 18.10.2025 as CR No. I - 11193050250800 of 2025, under Sections 310(2), 115(2), 61(2) of the BNS with Rajula Police Station, District Amreli connected proceedings and This Hon'ble Court further be pleased to quash the further proceedings arising out of the FIR herein, which would serve the purpose 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 against the applicants-accused would be nothing but unnecessary harassment to the applicants-accused. It further appears that the trial would be a futile exercise and continuing further with the proceedings pursuant to the impugned FIR 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 First Information Report No. 11193050250800 of 2025 registered with the Rajula Police Station, District Amreli, for the offences punishable under Sections 310(2), 115(2), 61(2) 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 only.

11. Rule made absolute. Direct service is permitted.

(VIMAL K. VYAS, J)

AMAR SINGH