

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 7806 of 2026**

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DHIREN BHOGILAL KAMANIA & ANR.
Versus
STATE OF GUJARAT & ANR.

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Appearance:

LD SR ADV. MR NIRUPAM NANAVATI ASSISTED BY MR MAUNISH T
PATHAK(5892) for the Applicant(s) No. 1,2
MR MEET THAKKAR, ADDL.PUBLIC PROSECUTOR for the Respondent(s)
No. 1
MS JAYNI B. SHAH for the Respondent No.2

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CORAM: HONOURABLE MRS. JUSTICE M. K. THAKKER
Date : 16/06/2026
ORAL ORDER

1. Learned advocate Ms. Jayni B. Shah appears and submits that he has instructions to appear on behalf of the respondent No. 2. Registry shall accept her vakalatnama.
2. **Rule** returnable forthwith. Learned APP Mr. Thakkar waives service of notice of rule for and on behalf of the respondent No.1 State. Learned advocate Ms. Shah waives service of notice of rule for and on behalf of the respondent No.2 Complainant.
3. By way of filing this application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants- accused have prayed to quash and set aside the FIR being C.R.No.11192036260002 of 2026 registered with the Mahila Police Station, District Ahmedabad for the offences punishable under Sections 85, 115(2), 352, 351(3) and 54 of the BNS as well as all other consequential proceedings arising out of the aforesaid FIR qua the applicants herein.
4. Considering the issue involved in the present application,

which is private in nature between the husband and wife, and further considering the fact that the dispute between the parties has been amicably resolved, with the consent of the learned advocates for the respective parties, the present application is taken up for final disposal.

5. Today, when the matter is called out, the complainant is present before this Court through video conference and identified by the learned advocate Ms.Shah. In the affidavit, the complainant has categorically stated that the dispute between the parties is now resolved and there is no ill-will or any grievance amongst the parties.
6. At the outset, learned Senior Advocate Mr. Nanavati submitted that the dispute between the parties has been amicably resolved and that the complainant and the applicant have decided to put the grievance to rest. It is submitted that, in view of the settlement arrived at between the parties, continuation of the proceedings would be nothing but an abuse of the process of law.
7. Learned advocate Ms. Jyani Shah appearing for respondent No.2 supported the submissions made by learned Senior Advocate Mr. Nanavati and reiterated the averments made in the affidavit filed by respondent No.2.
8. This application is opposed by the learned APP Mr. Meet Thakkar for the respondent-State.
9. The complainant, who is present in the Court through video conference, has categorically stated that the dispute has been amicably resolved between the parties and she has no objection if the FIR is quashed. Thus, sending the

applicants-accused to face the trial would be a futile exercise.

10. The affidavit filed by the complainant as well as victim read thus:

I, Priyanshi d/o Piyush Chandarana, w/o Parth Dhiren Kamania, aged about 34 years, residing at House No. 50, Bopal 444, Next to Sun City, Bopal, Ahmedabad Gujarat, do hereby solemnly affirm and state on oath as under: 380058,

1. I am the Respondent No. 2 in the above-captioned petition and the original complainant in respect of FIR No. 11192036260002/2026 registered at Mahila Police Station, Ahmedabad Rural. I am fully conversant with the facts of the case and am competent to swear this affidavit.

2. I say that due to matrimonial disputes that arose between myself and my husband, I had lodged the aforesaid FIR No. 11192036260002/2026 at Mahila Police Station, Ahmedabad Rural, inter alia naming the Petitioners herein the parents of my husband as accused persons therein. I say and submit that subsequent to the registration of the said FIR, all disputes and differences between myself, my husband, and the Petitioners herein have been amicably resolved, through mutual settlement and negotiation.

3. I say that as a consequence of the said amicable settlement, myself and my husband -Parth Dhiren Kamania - have jointly filed a Petition for Divorce by Mutual consent under Section 13-B of the Hindu Marriage Act, 1955, being Family Suit No. 1838 of 2026, before the Hon'ble Family Court at Ahmedabad, and the said proceedings are currently pending,

5. I say that I voluntarily and of my own free will,

without any coercion, threat, undue influence, or misrepresentation, give my unequivocal consent to the quashing of FIR No. 11192036260002/2026 registered at Mahila Police Station, Ahmedabad Rural, and all further proceedings arising therefrom, insofar as the Petitioners herein are concerned.

6. I say that continuation of the criminal proceedings against the Petitioners herein would serve no useful purpose in view of the amicable settlement reached between the parties and the pending proceedings under Section 13-B of the Hindu Marriage Act, 1955. The quashing of the said FIR against the Petitioners herein would be in the interest of justice and would not prejudice any public interest.

7. I say that this affidavit is made bonafide, in good faith, and in the interest of justice. I undertake to cooperate fully in the present proceedings before this Hon'ble Court and shall remain present as and when directed by this Hon'ble Court.

8. The deponent herein, do hereby solemnly state that the contents of paragraphs 1 to 7 of this affidavit are true and correct to the best of my knowledge, information, and belief. Nothing material has been concealed therefrom.”

11. 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 against the applicants-accused would be an unnecessary harassment to the applicants-accused. It further appears that the trial would be a futile exercise and further continuing 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 are required to be quashed and set aside in exercise of the powers conferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

12. In the result, the application is allowed. The proceedings of the FIR being C.R.No.11192036260002 of 2026 registered with the Mahila Police Station, District Ahmedabad as well as all other consequential proceedings arising out of the aforesaid FIR qua the applicants are hereby quashed and set aside.
13. Rule is made absolute accordingly.

M.M.MIRZA

(M. K. THAKKER,J)