

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 5070 of 2025**

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ADIT JAGDISHBHAI CHANDAK & ANR.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

JUCKY LUCKY CHAN(8033) for the Applicant(s) No. 1,2

MS BHUMIKA J CHAN(13521) for the Applicant(s) No. 1,2

NOTICE SERVED for the Respondent(s) No. 2

MR YUVRAJ BRAHMBHATT, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**

Date : 19/08/2025

ORAL ORDER

1. Learned advocate **Mr. Rakesh Solanki**, states that he has instructions to appear on behalf of the original complainant and thereby, seeks permission to file his Vakalatnama. The Registry is directed to accept the vakalatnama.

2. **RULE.** Learned advocates waive service of notice of rule on behalf of the respective respondents.

3. Considering the facts and circumstances of the case and since it is jointly stated at the Bar by learned advocates on both the sides that the dispute between the parties has been resolved amicably, this matter is taken up for final disposal forthwith.

4. By way of this application under Articles 226 and 227 of the Constitution of India and under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS"), the petitioners have prayed to quash and set aside the complaint being **FIR No.11208055250082 of 2025** registered with **DCB Police Station, Rajkot City**, for the offences under Sections 406, 420, 120B and 506(2) of the Indian Penal Code and all the consequential proceedings arising therefrom.

5. The impugned complaint is filed at the instance of respondent no.2 alleging that the company of the complainant namely M/s Vasuki Cement Private Ltd., has connected the company of the petitioners and placed order to purchase some equipments and thereafter, the complainant transferred Rs.5,50,00,000/- in the bank account of the petitioners in advance as part payment. After receiving the said amount the petitioners neither returned the amount nor supplied the equipments. Hence, the complaint is filed for criminal breach of trust and cheating.

6. Learned Advocates for the respective parties submitted that during the pendency of proceedings, the parties have settled the dispute amicably and pursuant to such mutual settlement, the original complainant has also filed an Affidavit dated 23.07.2025, which is taken on record. In the Affidavit, the original complainant has categorically stated that the dispute with the petitioners has been resolved amicably and that he has no objection, if the present proceedings are quashed and set aside since there is no surviving grievance between them. The complainant is present in person and identified by his learned Advocate. The complainant has admitted the factum of settlement.

7. Having heard learned advocates on both the sides and considering the facts and circumstances of the case as also the principle laid down by the Apex Court in the cases of **(i) Gian Singh Vs. State of Punjab & Anr.**, reported in (2012) 10 SCC 303, **(ii) Madan Mohan Abbot Vs. State of Punjab**, reported in (2008) 4 SCC 582, **(iii) Nikhil Merchant Vs. Central Bureau of Investigation & Anr.**, reported in 2009 (1) GLH 31, **(iv) Manoj Sharma Vs. State & Ors.**, reported in 2009 (1) GLH 190 and **(v) Narinder Singh & Ors. Vs. State of Punjab & Anr.** reported in 2014 (2) Crime 67 (SC), considering the facts that the dispute is private in nature and the transaction in question is commercial one. The petitioners have no past antecedents and no purpose would serve in continuing the proceedings as there is bleak chance of conviction, therefore, in the opinion of this Court, the further continuation of criminal proceedings against the petitioners in relation to the impugned FIR would

cause unnecessary harassment to the petitioners. Further, the continuance of trial pursuant to the mutual settlement arrived at between the parties would be a futile exercise in view of the law laid down in cases of **State of Haryana & Ors. Vs. Bhajanlal & Ors., (1992 Suppl. 1 SCC 2020)**, **Sarabjit Kaur Vs. State of Punjab & Anr.** reported in **(2023) 5 SCC 360**, **Delhi Race Club (1940) Ltd. & Ors. vs. State of Uttar Pradesh & Anr.** reported in **2024 INSC 626** and **Rikhab Birani & Anr. vs. State of Uttar Pradesh & Anr.** reported in **2025 INSC 512**, **Shailesh Kumar Singh @ Shailesh R. Singh Vs. State of Uttar Pradesh & Ors.**, reported in **2025 INSC 869**, and **Rekha Jain vs. The State of Karnataka & Anr.** reported in **2022 LiveLaw (SC) 468**, Hence, to secure the ends of justice, it would be appropriate to quash and set aside the impugned FIR and all consequential proceedings initiated in pursuance thereof under Section 528 of the BNSS.

8. In the result, the application is allowed. The impugned complaint being **FIR No.11208055250082 of 2025 registered with DCB Police Station, Rajkot City**, as well as all consequential proceedings initiated in pursuance thereof are hereby quashed and set aside qua the petitioners herein. Rule is made absolute. Direct service is permitted. If the petitioners are in jail, the jail authority concerned is directed to release the petitioners forthwith, if not required in connection with any other case.

(HASMUKH D. SUTHAR,J)

ANKIT

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ANKIT YOGESHBHAI JANSARI(HCW0109), ENGLISH STENOGRAPHER GRADE I, at High Court of Gujarat on 20/08/2025 11:00:09