

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 8302 of 2026**

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BHARTIBEN KISHORBHAI PATEL
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR ANAND M RANPARA(10976) for the Applicant(s) No. 1

MR. MANAN MAHETA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS

Date : 10/04/2026

ORAL ORDER

1. Learned advocate Mr. Gnanesh Bhatt 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 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 No. Part-A/11210050251384 of 2025 registered with the Rander Police Station, Surat City, for the offences punishable under Sections 3, 4, 5(c) of the Gujarat Land Grabbing (Prohibition) Act, 2020; the chargesheet as well as the proceedings of the GLGP Case No. 37 of 2025 pending in the

Court of the learned Additional District and Sessions Judge, Surat, 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 produced submitted his affidavit. The same is ordered to be taken on record. In the said 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 Mr. Manan Maheta waives service of notice of rule for and on behalf of the respondent no.1 - State and learned advocate Mr. Gnanesh Bhatt 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, the charge-sheet and the proceedings of the GLGP 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 GLGP 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 - Mitrajsinh Anilsinh Jadeja, read thus :

"1) I say and submit that I am the original complainant in connection with F.I.R. being Part - A/11210050251384 of 2025 registered with Rander Police Station, Surat City on 19.10.2025 for the offences punishable under provisions of Section 3, 4, and 5(c) of The Gujarat Land Grabbing (Prohibition) Act, 2020, and as such I am well acquainted with the facts of the case and I am competent to swear this affidavit.

2) I say and submit that the aforesaid F.I R. came to be lodged pursuant to the order passed by the special committee constituted under The Gujarat Land Grabbing (Prohibition) Act, 2020 in respect of the property bearing House no. 69 constructed on non-agricultural land admeasuring 58.53 sq mts. situated at Final Plot no. 55 of T.P. Scheme no. 14 (Rander-Adajan), Revenue Survey no. 183/1 of District: Surat.

3) I say and submit that during the pendency of the proceedings, the dispute between the deponent and the present petitioner have been amicably resolved and settled out of court.

4) I also say and submit that a Memorandum of Understanding dated 24.03.2026 has been executed between the

answering respondent and the present petition, wherein all disputes have been resolved fully and finally.

5) *I say and submit that pursuant to the said settlement, I have executed a registered sale deed in respect of the property in question in favour of the daughter-in-law of the present petitioner i.e. Kunjal Dhavalkumar Patel on 24.03.2026 bearing Registration no. 9042, registered with the Office of Sub Registrar, Surat-8 (Adajan) and I have received the full and final consideration as agreed upon between the parties*

6) *I therefore say and submit that I have no objection if the impugned F.I.R. being Part-A/11210050251384 of 2025 registered with Rander Police Station, Surat City, Chargesheet no. 125 of 2025 dated 17.11.2025 and GLGP Case no. 37 of 2025 pending before the Court of Ld. Additional District and Sessions Judge, Surat are quashed and set aside by this Honourable Court*

7) *I say and submit that this affidavit is made for the purpose of placing on record my consent for quashing of the aforesaid proceedings and to enable the petitioner to receive appropriate orders from this Honourable Court."*

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 GLGP Case would amount to abuse of process of law. Hence, to secure the ends of justice, the impugned FIR, the chargesheet as well as GLGP 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. No. Part-A/11210050251384 of 2025 registered with the Rander Police Station, Surat City, for the offences punishable under Sections 3, 4, 5(c) of the Gujarat Land Grabbing (Prohibition) Act, 2020; the chargesheet as well as the proceedings of the GLGP Case No. 37 of 2025 pending in the Court of the learned Additional District and Sessions Judge, Surat, 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