

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 8030 of 2026****With
R/CRIMINAL MISC.APPLICATION NO. 8068 of 2026
With
R/CRIMINAL MISC.APPLICATION NO. 8021 of 2026****=====**
SURESHBHAI UKABHAI MAKWANAN
Versus
STATE OF GUJARAT & ANR.
=====**Appearance:****MR.HITENDRA D RAJPUT(7224) for the Applicant(s) No. 1**
MR.PRADYUMAN GOHIL(7237) for the Applicant(s) No. 1
JAY MEHTA APP for the Respondent(s) No. 1
=====**CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER****Date : 23/06/2026****COMMON ORAL ORDER**

Rule returnable forthwith. Learned APP Mr. Mehta and learned advocate Mr. Bhargav Dangar waives service of notice of rule on behalf of respective parties.

1. Learned advocate Mr. Bhargav Dangar states that he appears for Respondent No.2 – the original complainant. He is permitted to file his appearance.

2. The present application is filed for quashment of the FIR No.11213010240470 of 2024 registered with Dhoraji City Police Station, Rajkot Rural, Dist. Rajkot for the offences punishable under Sections 506 of the IPC and Section 40 and 42 of the

Money Lenders Act.

3. It is submitted by the learned advocate Mr. Rajput for the applicant that as per the allegations made in the FIR, dispute with regard to the lending of the amount, which was not paid and with a view to avoid the payment, impugned FIR is filed. It is further submitted that after the lodging of the FIR, the dispute is resolved between the parties and the complainant and applicants have decided to quash FIR.

4. This submission is supported by learned advocate Mr. Bhargav Dangar appearing for respondent No.2. Respondent No.2 is present before this Court and is identified by learned advocate Mr. Bhargav Dangar appearing for respondent No. 2.

5. Learned APP Mr. Mehta appearing for the State has opposed the present application and submitted that considering the seriousness of the offence, the complaint in question may not be quashed and the present application may be rejected.

6. An affidavit of respondent No.2 has been filed and is taken on record which reads as under:

"I....., Residing at:....., the complainant herein, has filed one complaint being FIR registered vide Part-A,

F.I.R. No. 11213010240470 of 2024 before Dhoraji City Police Station, Rajkot Rural, District Rajkot for the alleged offences punishable under sections 506 of Indian Penal Code, 1860 and under sec. 40 and 42 of The Money-Lenders Act, 2011. I further say and submit that I further state on oath and solemnly affirm that;

1. I say and submit that due to intervention of the respected members of the society and the friends of both side we both parties have mutually understand and agreement is arrived between me and present applicant in the above said F.I.R and now I don't have any grievance with the present applicant.

2. I further states that both the parties amicably settle the matter. Therefore, I have no objection if the present above mentioned FIR along with the Criminal case no. 301 of 2025 against the present petitioner is quashed and set-aside by this Hon'ble Court along within the interest of the justice qua the present applicant.

3. I further states that I have no objection if the F.I.R being vide Part-A, F.I.R. No. 11213010240470 of 2024 before Dhoraji City Police Station, Rajkot Rural, District Rajkot for the alleged offences punishable under sections 506 of Indian Penal Code, 1860 and under sec. 40 and 42 of The Money-Lenders Act, 2011 Act is quashed and set-aside all the prior and subsequent proceedings thereto qua present Applicant by this Hon'ble Court in the interest of the justice. I further say that both the parties have arrived the amicable settlement because of intervene of the friends of both sides the said dispute is settled between me and the present applicant."

7. Considering the allegations made in the FIR and affidavit filed by the complainant as well as the decisions rendered by the Hon'ble Supreme Court 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 and the Criminal Case 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 criminal proceedings pursuant to the impugned FIR and the Criminal Case would amount to abuse of process of law. Hence, to secure the ends of justice, the impugned FIR as well as the proceedings of the Criminal Case, so also 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.

8. Resultantly, this application is allowed and the impugned FIR No.11213010240470 of 2024 registered with Dhoraji City Police Station, Rajkot Rural, Dist. Rajkot, is hereby quashed and set aside qua the applicants only. Consequently, all other proceedings arising out of the aforesaid F.I.R. are also quashed and set aside qua the applicants. Accordingly, Rule is made absolute. Direct service is permitted.

Vikramsinh Amarsinh

(M. K. THAKKER,J)