

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 9915 of 2026

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BHUPATBHAI GOVINDBHAI SEVRA & ORS.
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR P S DATTA(11324) for the Applicant(s) No. 1,2,3,4
MR TIRTHRAJ PANDYA, LD. ADDITIONAL PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS

Date : 28/04/2026

ORAL ORDER

1. Learned advocate Mr.Meet Kakadia 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- original accused seek to invoke the inherent powers of this Court, praying to quash and set-aside the First Information Report being C.R.No.11203036230385 of 2023 registered with the Maliya Hatina Police Station, Junagadh, for the offences punishable under Sections 328, 498A, 323, 504, 506(2), 114 of the Indian Penal Code; the charge sheet No.05/2024 as well as the proceedings of the Sessions Case No.09 of 2024 pending before the learned Additional Sessions Judge,

Keshod, so also all other consequential proceedings arising pursuant thereto.

3. Today, when the matter is called out, the original complainant, who is personally present before this Court, has produced her identity proof, which is ordered to be taken on record. She has also filed an affidavit, which is annexed as Annexure "G" to the application. In the affidavit, the complainant has categorically stated that the dispute between her and the applicants- accused has been amicably resolved and there is no ill-will or any grievance amongst them. Therefore, she does not want to proceed further with the criminal proceedings pursuant to the impugned FIR and the sessions case against the present applicant.

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.Tirthraj Pandya waives service of notice of rule for and on behalf of the respondent no.1 – State and learned advocate Mr.Meet Kakadia 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, the charge-sheet as well as the proceedings of the sessions case may be quashed and set-aside.

7. The original complainant, who is present in the Court, has categorically stated before this Court that she has no objection if the application is allowed and the impugned FIR; the charge-sheet as well as the proceedings of the sessions case are 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 of the original complainant, read thus :

“1. I say and submit that I am Respondent No. 2 in the present Criminal Misc. Application and the original complainant of F.I.R. No. 11203036230385 of 2023 registered with Maliya Hatina Police Station, District: Junagadh for the offences punishable under Sections 328, 498A, 323, 504, 506(2), 114 of the IPC, and I am well acquainted with the facts of the case and competent to file this affidavit.

2. I say and submit that the Applicants herein are the

accused persons in the aforesaid FIR. Applicant No. 1 is my husband and the other Applicants are my in-laws.

3. I say and submit that due to matrimonial disputes and misunderstanding, the aforesaid FIR came to be lodged by me against the Applicants.

4. I say and submit that the dispute between myself and the Applicants arose purely out of misunderstanding, confusion, and temporary personal differences and does not involve any offence having the essential ingredients of the sections mentioned in the F.I.R. I further state that after the registration of the F.I.R., with the intervention of family members, elders, and well-wishers, we have amicably resolved all our disputes. I state that I was treated well and with due respect in the matrimonial home and that the filing of the F.I.R. was a result of confusion and emotional distress. I further state that there now remains no ill will or grievance whatsoever against the present Applicants.

5. I say and submit that I have been treated well with love, care, and dignity by my husband and in-laws, and I am presently residing happily with them in my matrimonial home. I state that there is cordiality and harmony in the family, and I am living peacefully without any grievance or complaint whatsoever against the Applicants

6. I say and submit that Applicant No. 1 and I have mutually agreed to part ways and all disputes, differences, and claims between us stand fully and finally settled.

7. I say and submit that the said settlement has been arrived at voluntarily, consciously, and without any force, coercion, undue influence, or pressure from any person.

8. I say and submit that I have no objection if this Hon'ble Court is pleased to quash and set aside the FIR being No. 11203036230385 of 2023 registered with Maliya Hatina Police Station, District: Junagadh, as well as Charge Sheet No. 05/2025 and Sessions Case No. 09/2024, along with all consequential proceedings arising therefrom.

9. I say and submit that I have agreed to put an end to the criminal proceedings and I am filing the present affidavit in support of the application preferred by the Applicants under Section 528 of the Bharatiya Nyay Suraksha Sanhita, 2023.”

9. 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) and **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, the charge-sheet as well as the sessions 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 proceedings pursuant to the impugned FIR, the charge-sheet as well as the sessions case would amount to abuse of process of law. Hence, to secure the ends of justice, the impugned FIR, the charge-sheet as well as the proceedings of the sessions 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 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

10. In the result, the application is allowed. The First Information Report being C.R.No.11203036230385 of 2023 registered with the Maliya Hatina Police Station, Junagadh, for the offences punishable under Sections 328, 498A, 323, 504, 506(2), 114 of the Indian Penal Code; the charge sheet No.05/2024 as well as the proceedings of the Sessions Case No.09 of 2024 pending before the learned Additional Sessions Judge, Keshod, so also all other consequential proceedings arising pursuant thereto, are hereby ordered to be quashed and set-aside.

11. Rule made absolute. Direct service is permitted.

(VIMAL K. VYAS, J)

DIPTI PATEL