

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO. 9591
of 2026**

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AIYUBBHAI @ CHHOLU AHMADBHAI SHEIKH & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR HITESH L GUPTA(3937) for the Applicant(s) No. 1,2,3,4,5,6,7

MS MONALI BHATT, ADDL.PUBLIC PROSECUTOR for the Respondent(s)

No. 1

MR NEEL JOGRANA for the Respondent No.2

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CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER**Date : 30/06/2026****ORAL ORDER**

Rule returnable forthwith. Learned APP Ms. Monali Bhatt waives service of notice of Rule for and on behalf of respondent No.1-State. Learned advocate Ms. Jog waives service of notice of Rule for and on behalf of respondent No.2-original complainant.

1. By way of filing the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants-accused have prayed to quash and set aside the FIR being I-C.R. No.68 of 2023 registered with J.P. Road Police Station, Vadodara for the offences punishable under Sections 403, 323, 294(B), 506(2), 143 and 114 of the Indian Penal Code, as well as all consequential proceedings arising therefrom qua the applicants herein.

2. Considering the nature of the dispute involved in the present application and further considering the fact that the parties have amicably resolved their inter se dispute, with the consent of the learned advocates appearing for the respective parties, the present application is taken up for final disposal.
3. Today, when the matter is called out, respondent No.2-original complainant is present before this Court through video conference and is identified by the learned advocate appearing on her behalf. Respondent No.2 has categorically stated that the dispute between the parties has been amicably settled and that she does not wish to proceed further with the impugned complaint.
4. At the outset, Learned advocate Mr. Gupta submitted that the dispute, which is purely private in nature, has been amicably resolved between the parties and that the complainant has now given consent for quashment of the impugned FIR. It is further submitted that, even as per the injury certificate, no grievous or serious injuries were sustained by the complainant. In the aforesaid background, it is submitted that continuation of the criminal proceedings pursuant to the impugned FIR would amount to an abuse of the process of law.
5. Learned advocate Mr. Jograna appearing for respondent No.2 has supported the submissions advanced on behalf of the applicants and reiterated the contents of the affidavit filed by respondent No.2.
6. The present application is opposed by the learned APP Ms.Bhatt appearing for the respondent-State.

7. The complainant, who is present before this Court, has categorically stated that the dispute has been amicably resolved between the parties and that she has no objection if the impugned FIR is quashed. Thus, permitting the applicants to face the trial would be a futile exercise.
8. The affidavit filed by respondent No.2-original complainant reads thus:

“I. XXX XXX XXX Respondent No. 2 (Ori. Complainant) herein files this affidavit as under;

1. I say and submit that I am the Original Complainant who has filed the FIR registered I C.R. No. 68 of 2023 dated: 18.07.2023, before J. P. Road Police Station, Vadodara for the offence punishable u/s. 403, 323, 294(B), 506(2), 143 & 114 of I.P.C. against the present applicant and other co-accused person.

2. I say and submit that during pendency of the proceedings with the help of friends and family the matter between myself and applicant herein is resolved and I therefore I do not wish to proceed with the F.I.R. and the chargesheet filed by the Investigating Officer vide Criminal Case No. 28687 of 2023 pending before Id. 17th Additional Sr. Civil Judge & Additional Chief Judicial Magistrate, Vadodara and as well as all other consequential proceedings arising out the aforesaid F.I.R. against the present applicant.

3. I say and submit that one of the factors that had weighed with me that ultimately amicably resolved and I do not wish to proceed with the FIR filed by me against the present applicants and if the impugned FIR is quashed than I do not have any objection.

4. That the Complainant respectfully submits that he is a practicing Advocate and is residing in the same vicinity as the accused, and both parties also belong to

the same community. It is stated that due to certain misunderstandings and miscommunication between the parties, the present complaint came to be lodged. It is further submitted that even otherwise, no direct or specific allegations have been levelled against the accused in the complaint. Now, with the intervention of well-wishers and elders, the dispute has been amicably resolved between the parties. In view of the aforesaid settlement, the Complainant states that he has no objection if the FIR in question, along with all consequential proceedings arising therefrom, is quashed and set aside by this Hon'ble Court.

5. I say and submit that I am filing this affidavit as I am aware about the facts and circumstances of the present case and after registration of the FIR, the dispute between me and the applicant herein came to be amicably resolved. I say and submit that dispute is settled with the help of friends, relatives and people of community and now no ill will or grievance exists amongst us.

6. I say and submit that in view of this amicably settlement if Hon'ble Court please to quash the proceedings against present applicant I have no objection. I am filing this affidavit on my free will and wish without there being any undue threats or pressure.

9. Having heard the learned advocates appearing for the respective parties and considering the facts and circumstances of the case, as also taking into consideration the decisions rendered in **Gian Singh Vs. State of Punjab & Anr., (2012) 10 SCC 303; Madan Mohan Abbot Vs. State of Punjab, (2008) 4 SCC 582; Nikhil Merchant Vs. CBI & Anr., 2009 (1) GLH 31; Manoj Sharma Vs. State & Ors., 2009 (1) GLH**

190; Narinder Singh & Ors. Vs. State of Punjab & Anr., (2014) 6 SCC 466; and State of Haryana Vs. Bhajan Lal, AIR 1992 SC 604, this Court is of the opinion that continuation of the criminal proceedings pursuant to the impugned FIR would amount to abuse of the process of law and that no fruitful purpose would be served by permitting the prosecution to continue. Hence, in order to secure the ends of justice, the impugned FIR and all consequential proceedings deserve to be quashed and set aside in exercise of powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

10. In the result, the present application is allowed. The I-C.R. No.68 of 2023 registered with J.P. Road Police Station, Vadodara, as well as all consequential proceedings arising therefrom, are hereby quashed and set aside qua the applicants.
11. Rule is made absolute accordingly. Direct service is permitted.

M.M.MIRZA

(M. K. THAKKER,J)