

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING)
NO. 9394 of 2026

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BHARGAV BIKHABHAI DABHI
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR. JAY M SUMARA(18308) for the Applicant(s) No. 1
MS. YUKTA M. SUMARA(18310) for the Applicant(s) No. 1
MS. NEHAL T.JANI(18526) for the Respondent(s) No. 2
MR. ADITYA JADEJA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE S.V. PINTO

Date : 29/04/2026
ORAL ORDER

1) Rule. Learned Additional Public Prosecutor and learned advocate Ms. Nehal T. Jani appear and waive service of notice of rule on behalf of their respective respondents.

2) By way of this application under Section 582 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "the BNSS, 2023), the applicant has prayed for quashing and setting aside **F.I.R. bearing C.R.No.11191012260236 of 2026** registered with **Danilimda Police Station, Ahmedabad** for the offences punishable under **Sections 118(1) and 296(b) of the Bharatiya Nyaya Sanhita, 2023** and to quash all other consequential proceedings, if any, arising out of the aforesaid FIR against the applicant.

3) Heard Mr. Jay Sumara learned advocate for the applicant, learned Additional Public Prosecutor Mr. Aditya Jadeja, for the respondent No. 1 – State and Ms. Nehal T. Jani learned advocate for the respondent no.2 – complainant.

4) Both the learned advocates jointly submitted that during the pendency of present petition, the matter is amicably settled amongst the parties and therefore, any further continuation of the proceedings pursuant to the impugned FIR would create hardship to the parties and further continuation of the proceedings would amount to abuse of process of law.

5) Learned Additional Public Prosecutor has opposed the application and submitted that looking to averments made in the FIR, complaint may not be quashed.

6) Learned advocate Ms. Nehal T. Jani appearing for the complainant tenders the settlement affidavit, affirming, *inter alia*, by the complainant – Sunil @ Sumani s/o Rameshbhai Parmar, the same is ordered to be taken on record.

7) The affidavit of the Original complainant reads as under: -

I, Sunil @ Sumani S/o Rameshbhai Parmar, Aged: 27 Years, Male, Occupation: Labour work, Having Address as: Kishan Nagar Society, Opposite Rohit Park, Danilimda, Ahmedabad-380028, the Respondent no. 2

herein, on solemn affirmation, state on oath as under: -

1. I say that I have gone through the copy of the quashing application filed by the petitioner and after after having understood the content thereof, I am filing the present affidavit.

2. I say that I am the only victim/complainant in the incident narrated in FIR dated 02.04.2026 bearing no. 11191012260236 registered with Danilimda Police Station, Ahmedabad, for the offence punishable under Sections 118(1) and 296(b) of the Bhartiya Nyaya Sanhita 2023.

3. I say that an amicable settlement between me and the petitioner had arrived on account of neighbours, elders of the society, intervention of friends as we are resident of same area having common relatives and friends and therefore me and the petitioner herein have decided to resolve all disputes.

4. I say that I have no grievances against the present petitioner as all the disputes are settled between me and the petitioner herein.

5. I say that I have no objection whatsoever if the FIR dated 02.04.2026 bearing no. 11191012260236 registered with Danilimda Police Station, Ahmedabad, for the offence punishable under Sections 118(1) and 296(b) of the Bhartiya Nyaya Sanhita 2023 is quashed and set aside with my consent.

6. I say that I have settled the matter with the petitioners and therefore the present affidavit is filed by me to give consent for quashing of the FIR dated 02.04.2026 bearing no. 11191012260236 registered with Danilimda Police Station, Ahmedabad for the offence punishable under Sections 118(1) and 296(b) of the Bhartiya Nyaya Sanhita 2023.

7. I say that I have no objection if the FIR dated 02.04.2026 bearing no. 11191012260236 registered with Danilima Police Station, Ahmedabad for the offence

punishable under Sections 118(1) and 296(b) of the Bhartiya Nyaya Sanhita 2023 is quashed; therefore, I am filing the present affidavit.

8. *I say that no grievances exist between the parties since the matter is settled.”*

8) So far as Section 482 of the Cr.P.C. is concerned, the Apex Court in the case of **Parbatbhai Aahir Alias Parbatbhai Bhimsinhbhai Karmur Vs. State of Gujarat** reported in **AIR 2017 SC 4843**, has observed in Para-15 as under:

“15. *The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:*

(i) *Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognizes and preserves powers which inherent the High Court;*

(ii) *The invocation of the jurisdiction of the High Court to quash a First Information Report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.*

(iii) *In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power,*

(iv) *While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised; (i) to secure the ends of justice or (ii) to prevent an abuse of the process of any court;*

(v) *The decision as to whether a complaint or First Information Report should be quashed on the ground that the*

offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated;

(vi) In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences;

(vii) As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned;

(viii) Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute;

(ix) In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

(x) There is yet an exception to the principle set out in propositions (viii) and (ix) above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

9) On perusal of the FIR, the offense has been registered under Section 118 (1) and Section 296 (b) of the Bharatiya Nyaya Sanhita, 2023, which reads as under Section 118 (1) and Section 296 (b).

118- Voluntarily causing hurt or grievous hurt by dangerous weapons or means.—

(1) Whoever, except in the case provided for by sub-section (1) of section 122, voluntarily causes hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which may extend to twenty thousand rupees, or with both.

296. Obscene acts and songs.—Whoever, to the annoyance of others,—

(a) xxx xxx xxx

(b) sings, recites or utters any obscene song, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

10) If the contents of the FIR are produced, the complainant has stated that he and his friend were sitting near the gate of Anand Park and at that time, the applicant came and they had a verbal altercation as the applicant had a doubt that the complainant, the respondent No. 2 had informed the police and the police had filed a case under the Prohibition Act against him. The respondent No. 2

- complainant has now filed his affidavit stating that the no grievance exists between the parties and the matter is settled between them and the neighbors and elders of the society have intervened and as they are residents of the same area having common relatives and friends and they have decided to resolve the dispute. The issue does not pertain to any offense of involving mental depravity or serious offense such as murder, rape or dacoity and in view of the settled proposition of law, in the case of Parbatbhai Ahir @ Parbatbhai Bhimsinbhai Karmur(supra), this Court deems this case fit for quashing as the parties have settled the dispute. Moreover, in view of the settlement arrived at between the parties, continuation of the proceeding would serve no useful purpose and the matter deserves to be brought to an end by exercising inherent jurisdiction. Accordingly, the present petition is allowed.

11) Resultantly, this application is allowed and the impugned **F.I.R. bearing C.R.No.11191012260236 of 2026** registered with **Danilimda Police Station, Ahmedabad** for the offences punishable under **Sections 118(1) and 296(b) of the Bharatiya Nyaya Sanhita, 2023** filed against present applicant is hereby quashed and set aside and all other proceedings arising

out of the aforesaid FIR are also quashed and set aside. Direct service permitted.

(S. V. PINTO,J)

VISHAL MISHRA