

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 9497 of 2026

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PATEL JANAKBHAI S/O DHANJIBHAI
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR MANOJ N POPAT(671) for the Applicant(s) No. 1
MR RISHABH R JAIN(12326) for the Respondent(s) No. 2
MS MONALI BHATT, ADDL. PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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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 Mr. Jani 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 C.R. No.11197034230814 of 2023 registered with Padra Police Station, Vadodara Rural for the offences punishable under Sections 406, 420, 465, 467, 468, 471 and 20B 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. At the outset, learned advocate Mr. Popat submitted that the dispute pertains to the execution of a sale deed in favour of a third party after the execution of an agreement/sale deed in favour of the complainant. Learned advocate appearing for the applicants submitted that the dispute between the parties has been amicably resolved and the parties have decided to put an end to their grievances. It is submitted that, in view of the settlement arrived at between the parties, continuation of the criminal proceedings would amount to abuse of the process of law.
4. Learned advocate Mr. Jani 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, which is recorded in the order dated 23.04.2026. Respondent No.2 has categorically stated that the dispute between the parties has been amicably settled and that he does not wish to proceed further with the impugned complaint.
5. The present application is opposed by the learned APP Ms. Bhatt appearing for the respondent-State.
6. The affidavit filed by respondent No.2-original complainant reads thus:

“I, TakhatsinhJinsangbhai Padhiyar, Male, Aged: 39 Years, Having his residence at: Village Chaapad, Ta: Dist: Vadodarado hereby solemnly affirm and state as follows-

1. I have perused a copy of petition and I am competent to file the present Affidavit. At the outset, I state that I am the Original Complainant whereas the Petitioner herein is the Accused in the FIR bearing no. 11197034230814 of 2023 registered with Padra Police Station, Vadodara Rural on 09.05.2023 under Section 406, 420, 465, 467, 468, 471 & 20B of the Indian Penal Code, 1860 and the subsequent chargesheet filed below it as well as Criminal Case No. 2263 of 2023 registered before Additional Chief Judicial Magistrate, Padra, Vadodara.

2. At the outset it is pertinent to bring on record that the dispute is settled between the Petitioner and the present Complainant-Respondent. That the impugned FIR was registered against the Petitioner by the Complainant in the year 2023. That thereafter the dispute is settled between the Complainant-Respondent and the Petitioner. That in-fact the subject land was running in the name of the Deponent and is thereafter transferred in the name of third party.

3. That thereafter the dispute is settled between the parties, being the Petitioner and the Complainant-Respondent. That therefore the Petitioner herein has approached this Hon'ble Court for quashing of the FIR bearing no. 11197034230814 of 2023 registered with Padra Police Station, Vadodara Rural on 09.05.2023 under Section 406, 420, 465, 467, 468, 471 & 20B of the Indian Penal Code, 1860 and the subsequent chargesheet filed below it as well as Criminal Case No. 2263 of 2023 registered before Additional Chief Judicial Magistrate, Padra, Vadodara.

4. I say and submit that the present Complainant-Respondent has no objections if FIR bearing no. 11197034230814 of 2023 registered with Padra Police Station, Vadodara Rural on 09.05.2023 under Section 406, 420, 465, 467, 468, 471 & 20B of the Indian Penal Code, 1860 and the subsequent chargesheet filed below it as well as Criminal Case No. 2263 of 2023 registered before Additional Chief Judicial Magistrate, Padra, Vadodara against the Petitioner is quashed and set aside by this Hon'ble Court.

5. I further state and submit that there is no coercion, fraud or undue influence upon the present Complainant and the decision for quashing the impugned FIR bearing no. 11197034230814 of 2023 registered with Padra Police Station, Vadodara Rural on 09.05.2023 under Section 406, 420, 465, 467, 468, 471 & 20B of the Indian Penal Code, 1860 and the subsequent chargesheet filed below it as well as Criminal Case No. 2263 of 2023 registered Magistrate, Padra, Vadodara has been arrived in an amicable manner between the parties concerned. before Additional Chief Judicial

6. In view of what is stated herein above and the settlement arrived at between the parties, I state and submit that the petition preferred by the present Petitioner be allowed and the FIR bearing no. 11197034230814 of 2023 registered with Padra Police Station, Vadodara Rural on 09.05.2023 under Section 406, 420, 465, 467, 468, 471 & 20B of the Indian Penal Code, 1860 and the subsequent chargesheet filed below it as well as Criminal Case No. 2263 of 2023 registered before Additional Chief Judicial Magistrate, Padra, Vadodara be quashed and set aside only qua the petitioner herein.”

7. 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.

8. In the result, the present application is allowed. The FIR being C.R. No.11197034230814 of 2023 registered with Padra Police Station, Vadodara Rural, as well as all consequential proceedings arising therefrom, are hereby quashed and set aside qua the applicants.

9. Rule is made absolute accordingly. Direct service is permitted.

(M. K. THAKKER,J)

M.M.MIRZA