

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 10255 of 2026**

=====

IMRAN ABDULLA MEMON
Versus
STATE OF GUJARAT & ANR.

=====

Appearance:

MR ADIL R MIRZA(2488) for the Applicant(s) No. 1
MR RONAK RAVAL, ADDL. PUBLIC PROSECUTOR for the Respondent(s)
No. 1
MS ZEAL SHAH FOR MR DHRUV TOLIA for the Respondent No.2

=====

CORAM: **HONOURABLE MRS. JUSTICE M. K. THAKKER**
Date : 06/05/2026
ORAL ORDER

1. Leave to Amendment is permitted. Amendment to be carried out forthwith.
2. Learned advocate Mr. Dhruv Tolia appears and submits that he has instructions to appear on behalf of the respondent No. 2. Registry shall accept their vakalatnama.
3. **Rule** returnable forthwith. Learned APP Mr. Raval waives service of notice of rule for and on behalf of the respondent No.1 State. Learned advocate Ms. Zeal Shah waives service of notice of rule for and on behalf of the respondent No.2 Complainant.
4. By way of filing this application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants- accused have prayed to quash and set aside the FIR being CR No. 11211057260480 of 2026 registered with Surendranagar City 'A' Division Police Station, for the offences punishable under Sections 316(5), 318(4), 61(2) and 3(5) of the BNS as well as all other

consequential proceedings arising out of the aforesaid FIR qua the applicants herein.

5. Today, when the matter is called out, the complainant is present before this Court. He has produced the I.D proof which is ordered to be taken on record. In the affidavit, the complainant has categorically stated that the dispute between the parties is now resolved and there is no ill-will or any grievance amongst the parties.
6. Considering the issue involved in the present application as well as considering the fact that the dispute between the parties has been amicably resolved with the consent of learned advocates for the respective parties, the present application is taken up for final disposal.
7. At the outset, it is submitted that dispute with the present applicant is resolved and the complainant has given the consent for quashment of the FIR. Learned advocate Ms. Zeal Shah appearing for the complainant has supported the said contention and placed on record the affidavit filed by the respondent No.2 in presence of respondent No.2 which is ordered to be taken on record.
8. The complainant, who is personally present in the Court, has categorically stated that the dispute has been amicably resolved between the parties and he has no objection if the FIR is quashed. Thus, sending the applicants-accused to face the trial would be a futile exercise.

9. The relevant paragraphs of the affidavit filed by the complainant read thus:

“I, the undersigned, XXX XXX XXXX, do hereby on solemn affirmation state as under:

1. I most respectfully submit that I am Respondent No. 2, the original First Informant/Complainant in the present petition. I am fully conversant with the facts, circumstances, and merits of the case, and I am duly competent to swear and file this affidavit. I state that I have perused the memo of the petition, and without admitting the allegations contained therein, I am filing this affidavit to place on record my unequivocal consent to quash the impugned FIR and all consequential proceedings qua the present Petitioner 2. I say and submit that I had registered the FIR bearing C.R. No.11211057260480 on 09.04.2026 with the Surendranagar City 'A' Division Police Station, District Surendranagar, for the alleged offences punishable under Sections 316(5), 318(4), 61(2), and 3(5) of the Bharatiya Nyaya Sanhita, 2023, wherein the present Petitioner is arraigned as Accused No. 7.

3. I say and submit that the genesis of the impugned FIR lies in a predominantly civil and commercial dispute between the parties. During the pendency of these proceedings, with the active intervention of mutual friends, business associates, and respected family members, both parties sat across the table and arrived at a comprehensive, amicable, and full and final settlement.

4. I specifically state and confirm that as part of this amicable resolution, all outstanding financial accounts, commercial disagreements, and monetary claims between myself and the Petitioner have been fully reconciled and settled to my complete satisfaction. As

the underlying commercial transaction has been successfully resolved, there remains no outstanding monetary or business-related claim against the Petitioner.

5. In view of the fact that the core dispute, which was essentially private and commercial in nature, has been laid to rest, I hold no surviving grievances or ill-will against the Petitioner. I am of the firm belief that the continuation of the criminal proceedings would be an unnecessary abuse of the process of law, and keeping the matter pending would merely cause undue hardship and agony to both parties.

6. Therefore, in the broader interest of justice, I have no objections if the impugned FIR bearing C.R. No. 11211057260480 of 2026 dated 09.04.2026 registered with the Surendranagar City 'A' Division Police Station, District Surendranagar, as well as all consequential criminal proceedings arising thereto qua the present Petitioner are quashed and set aside.

What is stated herein above is true and correct to the best of my knowledge, information and belief and I believe the same to be true and that this affidavit is made at my free will and in my sound mind without any coercion, pressure or intimidation.

Solemnly affirmed at Ahmedabad on this 6th Day of May 2026.”

10. 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)** 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 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 would amount to abuse of process of law. Hence, to secure the ends of justice, the impugned FIR and 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.

11. Resultantly, the application is allowed. The FIR being CR No. 11211057260480 of 2026 registered with Surendranagar City 'A' Division Police Station as well as all other consequential proceedings arising out of the aforesaid FIR qua the applicants are hereby quashed and set aside.
12. Rule made absolute accordingly.

(M. K. THAKKER,J)

M.M.MIRZA