

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 10491 of 2026**

LATABEN ANILKUMAR DESAI & ANR.

Versus

STATE OF GUJARAT & ANR.

Appearance:

MR HANNAN A QURESHI(11351) for the Applicant(s) No. 1,2

MR RJ GOSWAMI(1102) for the Applicant(s) No. 1,2

MR VISHVARAJ SINH D VAGHELA(13666) for the Respondent(s) No. 2

MR MEET THAKKAR, ADDL.PUBLIC PROSECUTOR for the Respondent(s)
No. 1

CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER

Date : 16/06/2026

ORAL ORDER

1. **Rule** returnable forthwith. Learned APP Mr. Thakkar waives service of notice of rule for and on behalf of the respondent No.1 State. Learned advocate Mr. Vaghela waives service of notice of rule for and on behalf of the respondent No.2 Complainant.
2. 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 C.R.No.11213064260224 of 2026 registered with the Upleta Police Station for the offences punishable under Sections 498(A), 323, 504 and 114 of the Indian Penal Code as well as all other consequential proceedings arising out of the aforesaid FIR qua the applicants herein.
3. Considering the issue involved in the present application, which is private in nature between the husband and wife, and further considering the fact that the dispute between

the parties has been amicably resolved, with the consent of the learned advocates for the respective parties, the present application is taken up for final disposal.

4. Today, when the matter is called out, the complainant is present before this Court through video conference and identified by the learned advocate Mr. Vaghela. 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.
5. At the outset, learned advocate appearing for the applicant Mr. Qureshi 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.
6. Learned advocate Mr. Vaghela appearing for respondent No.2 supported the submissions made by learned Advocate Mr. Qureshi and reiterated the averments made in the affidavit filed by respondent No.2.
7. This application is opposed by the learned APP Mr. Meet Thakkar for the respondent-State.
8. The complainant, who is present in the Court through video conference, has categorically stated that the dispute has been amicably resolved between the parties and she has no objection if the FIR is quashed. Thus, sending the applicants-accused to face the trial would be a futile

exercise.

9. The affidavit filed by the complainant as well as victim read thus:

“I, XXX XXX XXX respondent no. 2 original first informant herein, do hereby solemnly affirm and state on oath as under:

1. I say that I am the original first informant who lodged FIR being FIR No. 11213064260224 of 2026 dated 28.03.2026 registered with Upleta Police Station, at Rajkot Rural, against the applicant.

2. I say that subsequent to registration of the FIR, with the intervention of elders, relatives and friends from both sides, the parties have explained to me the circumstances in which the alleged incident took place and the misunderstandings which had arisen between us. Thereafter, an amicable and peaceful compromise has been arrived at between me and the applicant.

3. I say that we have decided to dissolve our marriage by mutual consent and accordingly we have filed Family Suit No. 1814 of 2026 before the Hon'ble Family Court at Ahmedabad for divorce by mutual consent and we will abide by the terms and conditions recorded in the said proceedings.

4. I say that in view of the above understanding and settlement, I have no subsisting grievance or claim against the applicant and I do not desire to prosecute the FIR being FIR No. 11213064260224 of 2026 dated 28.03.2026 and any Criminal Case No. 793 of 2026 pending before Principal Civil Judge & JMFC at Upleta, Rajkot arising therefrom. I have no objection if this Hon'ble Court is pleased to quash and set aside the said FIR and all consequential proceedings qua the present applicant.

5. I say that I am filing this affidavit without any force, coercion, pressure or undue influence and of my own free will, wish and desire and with a sound and conscious mind. Whatever is stated hereinabove is true and correct to the best of my knowledge, information and belief.”

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. In the result, the application is allowed. The proceedings of the FIR being C.R.No.11213064260224 of 2026 registered with the Upleta Police Station for the offences as well as all other consequential proceedings arising out of the aforesaid FIR qua the applicants are hereby quashed and set aside.
12. Rule is made absolute accordingly.

M.M.MIRZA

(M. K. THAKKER,J)