

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 11228 of 2026**

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ABHISHEK DASHRATHBHAI PATEL

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR KISHAN R CHAKWAWALA(9846) for the Applicant(s) No. 1

MR. SHYAM R CHAKWAWALA(17305) for the Applicant(s) No. 1

MR. ANKIT M MODI(7418) for the Respondent(s) No. 2

MR MEET A SHAH(12392) for the Respondent(s) No. 2

MR. TIRTHRAJ PANDYA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE VIMAL K. VYAS****Date : 18/06/2026****ORAL ORDER**

1. Amendment in terms of the draft is allowed. The same shall be carried out forthwith.

2. By way of filing the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant-accused has prayed to quash and set-aside the First Information Report No.11191015250217 of 2025 registered with the Nikol Police Station, Ahmedabad City, for the offences punishable under Sections 316(2), 318(4), 336(3), 338, 340(2) and 54 of the Bharatiya Nyaya Sanhita, 2023, as well as, all other consequential proceedings arising pursuant thereto qua the present applicant.

3. On the last occasion, the complainant had remained present and had produced her identity proof as well as the affidavit, which are ordered to be taken on record. In the said affidavit, the complainant has categorically stated that the dispute between her and the applicant-accused has been amicably resolved and there is no ill-will or any grievance amongst them.

4. Considering the issue involved in the present application as well as considering the fact that the dispute has been amicably resolved with the applicant, with the consent of the learned advocates appearing for the respective parties, the present application is taken up for final disposal.

5. **RULE** returnable forthwith. Learned APP Mr. Tirthraj Pandya waives service of notice of rule for and on behalf of the respondent no.1 - State and learned advocate Mr. M.A. Shah waives service of notice of rule for and on behalf of the respondent no.2 - complainant.

6. The complainant has admitted the contents of the affidavit and has also submitted that the dispute has been amicably resolved between the parties and she has no

objection if the application is allowed and the impugned FIR is quashed and set-aside. Thus, sending the applicant-accused to face trial would be a futile exercise.

7. The relevant paragraphs of the affidavit filed by the complainant – Dishaben Pinakinbhai Trivedi, read thus :

“2. I humbly submit that the said issue arises out of a matrimonial dispute and is of personal nature and has happened because of some misunderstanding between the present Deponent and the Petitioner side. The said dispute arose over a petty issue and a settlement regarding the same has been arrived at. That both the parties i.e. the deponent herein and the Petitioner have agreed that they shall not file and complaint, case, etc. against each other for the same subject matter in the future. I am in a fully conscious and a healthy state. Even otherwise, I have realized that there was no such intention or ulterior motive and therefore do not wish to continue the said issue and therefore such amicable and mutual compromise have taken place in a good and fine faith in the interest of Justice.

3. Therefore, in view of the above facts and circumstances, the issues between the Petitioner and the Respondent has been amicably and mutually settled by the kind indulgence of friends, families and reputable persons of the society. I hereby provide my Consent for the same and also state that the said consent is devoid of any Coercion, duress or undue influence by any of the Parties or any of their relatives or friends.”

8. Thus, it appears from the aforesaid that to continue further with the proceedings pursuant to the impugned FIR would be a futile exercise and the same would amount to abuse of process of law.

9. Having heard learned advocates appearing for the respective parties as well as considering the facts and

circumstances arising out of the present application, so also taking into consideration the decisions rendered in the cases of ***Gian Singh vs. State of Punjab & Another***, 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 & Another***, reported in (2009) 1 GLH 31, ***Manoj Sharma vs. State & Others***, reported in (2009) 1 GLH 190, and ***Narinder Singh & Others vs. State of Punjab & Another***, 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 pursuant to the impugned FIR would be a futile exercise and the same would amount to abuse of process of law. Hence, to secure the ends of justice, the impugned FIR and all other consequential proceedings arising pursuant thereto are required to be quashed and set-aside in exercise of the powers conferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

10. In the result, the application is allowed. The proceedings of the First Information Report No.11191015250217 of 2025 registered with the Nikol Police Station, Ahmedabad City, for

the offences punishable under Sections 316(2), 318(4), 336(3), 338, 340(2) and 54 of the Bharatiya Nyaya Sanhita, 2023, as well as all other consequential proceedings arising pursuant thereto, are hereby ordered to be quashed and set-aside qua the present applicant.

11. Rule made absolute. Direct service is permitted.

prk

(VIMAL K. VYAS, J)