

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 11130 of 2026

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ASIFBHAI ABDULBHAI BHAS & ORS.
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR HARSHIT S BHATT(12874) for the Applicant(s) No.
1,10,11,12,2,3,4,5,6,7,8,9
MR RAJ M BATADA(12875) for the Respondent(s) No. 2
MR TIRTHRAJ PANDYA, LD.ADDITIONAL PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS

Date : 08/05/2026

ORAL ORDER

1. By way of preferring the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants- original accused seek to invoke the inherent powers of this Court, praying to quash and set-aside the First Information Report being C.R.No.11208056200022 of 2020 registered with the Thorala Police Station, Rajkot city, for the offences punishable under Sections 323, 324, 504, 337, 427, 143, 147, 148, 149 of the Indian Penal Code and Section 135(1) of the Gujarat Police Act; the charge sheet as well as the proceedings of the Criminal Case No.15472 of 2020 pending before the learned Additional Chief Judicial Magistrate Court, Rajkot, so also all other consequential proceedings arising pursuant thereto.

2. Today, when the matter is called out, the original complainant and the injured persons, who are personally present before this Court, have produced their identity proofs as well as the affidavits, which are ordered to be taken on record. In the affidavits, the complainant and injured persons have categorically stated that with the intervention of the friends, family members and community people, the dispute between them and the applicants-accused has been amicably resolved and there is no ill-will or any grievance amongst them. Therefore, they do not want to proceed further with the criminal proceedings pursuant to the impugned FIR and the Criminal Case against the present applicants.

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

4. 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.Raj Batada waives service of notice of rule for and on behalf of the respondent no.2 – complainant.

5. Learned advocate for the applicants-accused has submitted that since the dispute has been amicably resolved between the parties, the application may be allowed and the impugned FIR, the charge-sheet as well as the proceedings of the criminal case may be quashed and set-aside.

6. The original complainant and the injured persons, who are present in the Court, have categorically stated before this Court that they have no objection if the application is allowed and the impugned FIR; the charge-sheet as well as the proceedings of the criminal case are quashed and set-aside. Thus, it appears from the aforesaid that sending the applicants-accused to face the trial would be nothing but a futile exercise and would amount to abuse of process of law.

7. The relevant paragraphs of the affidavit of the original complainant, read thus :

“1. I have gone through memo of this application filed by the applicants and I have also perused relevant papers pertaining thereto. I am conversant with the facts of the present case and hence I am filing this affidavit.

2. I state that I am the first informant of the FIR being C.R. No: 11208056200022 of 2020 registered at the Thorala Police Station, District: Rajkot City on 14.01.2020 for the offences punishable u/s. 323,

324, 504, 337, 427, 143, 147, 148, 149 of the Indian Penal Code and section 135 (I) of the Gujarat Police Act.

3. I state that due to persuasion of the trusted persons in the family, friends and society, I have amicably settled the matter qua the present applicants i.e., Accused Nos. 2, 3, 5 and 9 to 17 of the impugned FIR. I state that now since the dispute between us no longer survives, I have no objection if the impugned FIR is quashed and set aside qua the Applicants.

4. I state that the dispute is amicably settled between the applicants and myself and therefore no useful purpose would be served by continuing the prosecution further. Therefore, it would be just and proper that the First Information Report being C.R. No: 11208056200022 of 2020 registered at the Thorala Police Station, District Rajkot City for the offences punishable u/s. 323, 324, 504, 337, 427, 143, 147, 148, 149 of the Indian Penal Code and section 135 (I) of the Gujarat Police Act and the consequent criminal case may kindly be quashed and set aside in the interest of justice.

5. I say and submit that settlement/compromise as aforesaid has been entered into between the parties out of my free will and without any pressure from any other and without having been influenced by anyone. I earnestly request this Hon'ble Court to quash the impugned FIR and consequential proceedings in the interest of justice."

8. The relevant paragraphs of the affidavit of the injured person, namely, Hiteshbhai Kobiya, read thus :

"I, Hiteshbhai Somabhai Kobiya, Adult, Male, residing at Rajkot, do solemnly affirm and state on oath as under:

1. I say that I am the injured person involved in the incident in connection with FIR being C.R. No: 11208056200022 of 2020 registered at the Thorala Police Station, District: Rajkot City on 14.01.2020 for the offences punishable u/s. 323, 324, 504, 337, 427, 143, 147, 148, 149 of the Indian Penal Code and section 135 (I) of the Gujarat Police Act.

2. I state that though I am the injured person in the aforesaid FIR, I am not the original complainant/FIR informant. I state that after registration of the aforesaid FIR, with the intervention of family members, friends and respected persons of the society, the dispute between the parties has been amicably settled and resolved.

3. I state that now no ill-will, grievance or dispute survives between me and the Applicants i.e., Accused Nos. 2, 3, 5 and 9 to 17 of the impugned FIR, and the parties have decided to maintain peace and cordial relations.

4. I state that I have no objection if the aforesaid FIR and all consequential proceedings arising therefrom are quashed and set aside by this Hon'ble Court qua the present Applicants.

5. I further state that the present affidavit is executed

voluntarily, out of my own free will and consent, without any coercion, pressure or undue influence from any side.

6. I respectfully state that in view of the settlement arrived at between the parties, continuation of the criminal proceedings would serve no fruitful purpose.

7. I therefore humbly request this Hon'ble Court to consider the settlement and quash the aforesaid FIR and all consequential proceedings in the interest of justice.”

9. The relevant paragraphs of the affidavit of the injured person, namely, Jayshreeben Makwana, read thus :

“I, Jayshreeben Pravinbhai Makwana, Adult, Female, residing at Rajkot, do solemnly affirm and state on oath as under:

1. I say that I am the injured person involved in the incident in connection with FIR being C.R. No: 11208056200022 of 2020 registered at the Thorala Police Station, District: Rajkot City on 14.01.2020 for the offences punishable u/s. 323, 324, 504, 337, 427, 143, 147, 148, 149 of the Indian Penal Code and section 135 (I) of the Gujarat Police Act.

2. I state that though I am the injured person in the aforesaid FIR, I am not the original complainant/FIR informant. I state that after registration of the aforesaid FIR, with the intervention of family members, friends and respected persons of the society, the dispute between the parties has been

amicably settled and resolved.

3. I state that now no ill-will, grievance or dispute survives between me and the Applicants i.e., Accused Nos. 2, 3, 5 and 9 to 17 of the impugned FIR, and the parties have decided to maintain peace and cordial relations.

4. I state that I have no objection if the aforesaid FIR and all consequential proceedings arising therefrom are quashed and set aside by this Hon'ble Court qua the present Applicants.

5. I further state that the present affidavit is executed voluntarily, out of my own free will and consent, without any coercion, pressure or undue influence from any side.

6. I respectfully state that in view of the settlement arrived at between the parties, continuation of the criminal proceedings would serve no fruitful purpose.

7. I therefore humbly request this Hon'ble Court to consider the settlement and quash the aforesaid FIR and all consequential proceedings in the interest of justice.”

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)** and **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, the charge-sheet as well as the criminal case 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, the charge-sheet as well as the criminal case would amount to abuse of process of law. Hence, to secure the ends of justice, the impugned FIR, the charge-sheet as well as the proceedings of the criminal case, so also 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 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

11. In the result, the application is allowed. The First Information Report C.R.No.11208056200022 of 2020 registered with the Thorala Police Station, Rajkot city, for the offences punishable under Sections 323, 324, 504, 337, 427, 143, 147, 148, 149 of the Indian Penal Code and

Section 135(1) of the Gujarat Police Act; the charge sheet as well as the proceedings of the Criminal Case No.15472 of 2020 pending before the learned Additional Chief Judicial Magistrate Court, Rajkot, so also all other consequential proceedings arising pursuant thereto, are hereby ordered to be quashed and set-aside.

12. Rule made absolute. Direct service is permitted.

(VIMAL K. VYAS, J)

DIPTI PATEL

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: DIPTIBEN PIYUSH PATEL(HC00191), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 08/05/2026 16:36:50