

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 6853 of 2026**

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RAFIK MOHAMMAD LANGHA & ORS.  
Versus  
STATE OF GUJARAT & ANR.

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**Appearance:**

MR KAMLESH S KOTAI(6150) for the Applicant(s) No. 1,2,3,4,5,6  
MS VRUNDA SHAH, APP for the Respondent(s) No. 1  
MS HIMANI PARIKH for Respondent No.2

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**CORAM:HONOURABLE MR. JUSTICE MAULIK J.SHELAT**

**Date : 13/05/2026**

**ORAL ORDER**

1. By way of this application under Section 528 of the Bharatiya Nagarik Nyaya Sanhita, 2023, the applicants have prayed to quash and set aside the complaint being FIR No.C.R.No.11993004260392 of 2026 registered with Bhachau Police Station, East Kachchh-Gandhidham for the offences under Sections 115 (2), 118 (1), 351 (3), 296 (b), 189 (2), 191 (2), 191 (3), 190 and 310 (2) of the Bharatiya Nyaya Sanhita 2023 and Section 135 of the Gujarat Police Act and all the consequential proceedings arising therefrom.

2. Heard Mr.Kamlesh Kotai for the petitioners. Learned advocate Ms.Himani Parikh has instructions to appear on behalf of respondent no.2-original complainant and she will be filing her Vakalatnama. The registry shall accept the Vakalatnama of Ms.Parikh.

3. **Rule.** Learned APP and learned advocate for respondent no.2 waive service of Rule on behalf of the respective respondents.

4. At the outset, Ms.Himani Parikh, learned advocate for the complainant would submit copies of the affidavits dated 8.5.2026 filed by respondent no.2-original complainant and the injured victim-Raghabhai Samabhai Rabari, which are taken on record. As per the said affidavits, the complainant and the injured victim have declared before this Court that they have amicably settled the dispute with the petitioners-accused. Respondent no.2-Govindbhai Rupabhai Rabari, original complainant and the injured victim-Raghabhai Samabhai Rabari are present before the Court through video conferencing and they are identified by learned advocate Ms.Himani Parikh.

5. *Per contra*, Mr.Kamlesh Kotai, learned advocate for the petitioners-accused would state that with the intervention of elders, relatives and friends of both the sides, the dispute is amicably settled between the parties and the complainant as well as the injured victim have no objection if the complaint and all consequential proceedings are quashed and set aside qua the petitioners.

6. Both the learned advocates have jointly requested this Court to accept the aforesaid settlement and may quash and set aside the complaint and all consequential proceedings arising out of it, qua the present petitioners.

7. Learned APP has submitted that so far as petitioner no.5, Gafur Ahmad Kumbhar is concerned, there are two complaints against him with regard to offence of breach of provisions of

Motor Vehicles Act, registered with Bhachau Police Station. She would submit that appropriate order may be passed in the interest of justice.

8. Having heard learned advocates for the respective parties and taking note of the fact that the the dispute is amicably settled between the parties and the complainant as well as the injured victim have no objection if the complaint and all consequential proceedings are quashed and set aside qua the petitioners, as well as 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)**, it appears that further continuation of criminal proceedings in relation to the impugned FIR against the applicants would be unnecessary harassment to the applicants. It appears that the trial would be futile and further continuance of the proceedings pursuant to the impugned FIR would amount to abuse of process of law and Court and hence, to secure the ends of justice, the impugned FIR and other consequential proceedings are required to be quashed and set aside.

9. In view of the aforesaid, FIR being C.R.No.11993004260392 of 2026 registered with Bhachau Police Station, East Kachchh-Gandhidham dated 28.4.2026 is

hereby quashed and set aside along with all consequential proceedings arising therefrom qua the present petitioners. The jail authority concerned is directed to release the petitioners forthwith, if they are in jail and not required in connection with any other offence.

10. Accordingly, present Special Criminal Application is allowed. Rule is made absolute to aforesaid extent. Direct service is permitted **today**.

R.S. MALEK

**(MAULIK J.SHELAT,J)**