

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO.
16299 of 2026

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AMITBHAI MALJIBHAI DESAI & ANR.

Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR DHARUVIL KANABAR on behalf of MR AADITYA D BHATT(8580) for the
Applicant(s) No. 1,2

MR CHANDNI S JOSHI(9490) for the Applicant(s) No. 1,2

MS MONALI BHATT, APP for the Respondent(s) No. 1

MS DHARUVA G. SOLANKI for the Respondent No.2

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CORAM: HONOURABLE MRS. JUSTICE M. K. THAKKER

Date : 17/07/2026

ORAL ORDER

1. **Rule.** Learned APP waives service of notice for and on behalf of the respondent – State.
2. The present application is filed for quashment of FIR being no.11204041250819 of 2025 dated 12.08.2025 registered at Mahemdabad Police Station, Dist: Kheda, for the offences punishable under section of 318(3), 54 of BNS.
3. At the outset, it is submitted by learned advocate Mr. Kanabar on behalf of Mr. A. D. Bhatt for the applicants that the applicant nos.1 & 2 who are arraigned as

accused nos.2 & 3 are the bonafide purchaser of the property, and therefore, the complainant has settled the dispute with the present applicants. It is submitted that the dispute between the complainant and the present applicant is resolved and the complainant has given consent for quashment of the FIR. It is submitted that in view of the consent given by the complainant the continuation of process would be abuse of process of law. Learned advocate Ms. Dhruva Solanki appearing for respondent no.2/complainant has supported the said submission, and has reiterated the facts mentioned in the affidavit filed by the complainant which is ordered to be taken on record. The complainant is present before this Court and is identified by the learned advocate for the complainant. It is submitted that in view of the settlement and the consent given by the complainant, the impugned FIR deserves to be set aside.

4. Heard the learned advocates appearing for the parties. This Court has referred the affidavit filed by the complainant wherein the complainant states that I am aware that the present petition is filed by the Accused Persons / present Petitioners; however, because there

remains no dispute between myself and the Accused Persons / present Petitioners, I hereby give my free consent, without any pressure or compulsion whatsoever, to quash and set aside FIR No. 11204041250819 dated 12.08.2025 registered at Mahemdavad Police Station, District Kheda, for offences punishable under Sections 318(4) and 54 of the Bharatiya Nyaya Sanhita, 2023, and also the Chargesheet dated 30.09.2025 filed before the learned Judicial First Class Magistrate, Mahemdavad, insofar as the present Petitioners are concerned.

5. Having heard the learned advocates appearing for the respective parties, considering the nature of dispute as well as considering the affidavit and taking into consideration the decisions rendered by the Apex Court 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 applicant would be unnecessary harassment to the applicant. This Court has also considered the latest decision of the Apex Court in the case of **'Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others v. State of Gujarat'**, Criminal Appeal No.1723 of 2017, dated 4.10.2017 and the guidelines issued by the Apex Court in the said decision, particularly Paragraph-15, thereof. Considering the nature of disputes between the parties which are all private in nature, this Court is of the opinion that the matter requires consideration. 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 hence, to secure the ends of justice, the impugned FIR is required to be quashed and set aside in exercise of powers conferred under Section 528 of the BNSS.

6. In view of the above, the impugned FIR being No.11204041250819 of 2025 dated 12.08.2025

registered at Mahemdabad Police Station, Dist: Kheda, for the offences punishable under section of 318(3), 54 of BNS, is quashed qua the present applicants. Accordingly, all the consequential proceedings are hereby quashed and set aside qua the present applicants. Rule is made absolute.

AMIT ITALIAN

(M. K. THAKKER,J)