

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION NO. 18240 of 2021**

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DIPABHAI MANJIBHAI BHURIYA  
Versus  
STATE OF GUJARAT

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Appearance:

MR. HARDIK Y KOTHARI(6895) for the Applicant(s) No. 1  
MINESH D ERINPURIA(8512) for the Respondent(s) No. 2  
MR MANAN MEHTA APP for the Respondent(s) No. 1

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**CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA****Date : 08/04/2022****ORAL ORDER**

1. By way of this application under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "the Code"), the applicants have prayed for quashing and setting aside F.I.R. bearing I. C.R.No. 69 of 2012 registered with Dhanpur Police Station, Dist.- Dahod for the offences punishable under Sections 143, 147, 148, 376, 323, 324, 427 of IPC and to quash all other consequential proceedings arising out of the aforesaid FIR qua the applicant.

2. Heard Mr. Kothari, learned advocate for the applicant and Mr. Manish D Erinpuria, learned advocate for the respondent no.2 - complainant.

3. Both the learned advocates would submit that during the pendency of present petition, the matter is amicably



settled amongst the parties and therefore, any further continuation of the proceedings pursuant to the impugned FIR would create hardship to the parties and further continuation of the proceedings would amount to abuse of process of law.

4. Learned APP has opposed the application and submitted that looking to averments made in the FIR, complaint may not be quashed.

5. The complainant - respondent No. 2 has filed affidavit stating inter-alia the fact that the matter is amicably settled with the applicant. The private respondent no.2 i.e. the original complainant has confirmed the fact of settlement and contents of the affidavit in support of the petition.

6. Having heard the learned counsel for the parties and considering the facts of settlement and law laid down by the Apex Court [**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),**] this Court is of the considered view that further



continuation of the criminal proceedings in relation to the impugned FIR would nothing but unnecessary harassment to the parties and trial thereon would be futile and further continuation of the proceedings would amount to abuse of process of law. Thus, to secure the ends of justice, the impugned FIR is required to be quashed and set aside in exercise of powers conferred under Section 482 of the Code.

7. Resultantly, this application is allowed and the impugned F.I.R. bearing I. C.R.No. 69 of 2012 registered with Dhanpur Police Station, Dist.- Dahod, filed against present applicant is hereby quashed and set aside and all other proceedings arising out of the aforesaid FIR are also quashed and set aside. Direct service permitted.

**(ILESH J. VORA,J)**

P.S. JOSHI