

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC. APPLICATION (FOR QUASHING & SET ASIDE  
FIR/ORDER) NO. 19539 of 2025**

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HANSABEN @ ANSUYABEN W/O PREMJBHAI MAHIDA & ORS.  
Versus  
STATE OF GUJARAT & ANR.

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**Appearance:**

MR PARAM R BUCH(5625) for the Applicant(s) No. 1,2,3,4  
NOTICE SERVED TO CONCERNED POLICE STATION HOWEVER,  
SERVICE REPORT NOT FILED BY POLICE STATION for the Respondent(s)  
No. 2  
MS. KRINA CALLA, APP for the Respondent(s) No. 1

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**CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS**

**Date : 01/04/2026  
ORAL ORDER**

1. Learned advocate Mr. Kushlendrasinh Zala appears and submits that he has instructions to appear on behalf of the respondent No.2- complainant. He is permitted to file his appearance. Registry shall accept his vakalatnama.
2. By way of filing this application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants-accused have prayed to quash and set aside the FIR being C.R. No.11218017250085 of 2025 registered with the Madhavpur Police Station, District- Porbandar, for the offences punishable under Sections 115(2), 85, 352, 351(2) and 54 of the Bharatiya Nyaya Sanhita, 2023, as well as all other consequential proceedings arising pursuant thereto qua the applicants.
3. Today, when the matter is called out, the complainant is virtually present before this Court, and the learned advocate

appearing on her behalf has produced her identity proof and the affidavit, which are ordered to be taken on the record. The complainant has admitted the contents of the affidavit and has specifically stated that she is residing separately from her in-laws and further stated that since the dispute with the applicants has been resolved and there is no ill-will or any grievance amongst them, the impugned FIR be quashed and set-aside.

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

5. **Rule** returnable forthwith. Learned APP Ms. Krina Calla waives service of notice of rule for and on behalf of the respondent No.1-State. Learned advocate Mr. Kushlendrasinh Zala waives service of notice of rule for and on behalf of the respondent No.2 - complainant.

6. The complainant, who is virtually present before the Court, has categorically stated that the dispute has been amicably resolved with the applicants and she has no objection if the FIR is quashed. Thus, sending the applicants-accused to face the trial would be a futile exercise.

7. The relevant paragraphs of the affidavit filed by the complainant read thus:

*"1. I am the Original Complainant - Respondent No. 2 in*

*the application preferred by the Applicant under Section 528 of The Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing and setting aside of the FIR being FIR No. 11218017250085 of 2025 registered with Madhavpur Police Station, District Porbandar and all other proceedings initiated pursuant thereto for offence punishable under Sections 115(2), 85, 352, 351(2) and 54 of Bharatiya Nyaya Sanhita (herein after referred to as 'BNS') which came to be lodged by me on 28.03.2025 naming the Applicants and along with husband as an accused. I am conversant with the facts and circumstances of Hozklb the present case and therefore, the present affidavit is filed.*

*2. It is submitted that the Applicants along with the husband of the complainant & the deponent herein (Respondent No. 2 settled the dispute between them and settlement has taken place. It is further submitted that the dispute between both the parties is amicably settled and that now I do not wish to further proceed with the aforesaid proceedings. That other proceeding initiated by undersigned which are pending before the learned lower court, shall also be withdrawn by the undersigned. I adhere to the said settlement and state that pursuant to the said settlement, I have no objection, if the present Application is allowed and the proceedings qua the present Applicants along with the husband of the deponent are quashed. Original Complainant) have*

*3. I submit that the said compromise has been arrived at as we have come to a mutual understanding with regards that the dispute in question. I further clarify that the compromise is not a result of any force or coercion, I am fully aware about the facts mentioned in the memo of the application as well as the contents of my affidavit. Under the circumstances, I do not wish to prosecute the present Applicants & husband therefore, the aforesaid FIR against the present Applicants & husband may kindly be quashed."*

8. 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)** as well as **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 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 would amount to abuse of process of law. Hence, to secure the ends of justice, the impugned FIR and all other consequential proceedings are required to be quashed and set aside in exercise of the powers conferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

9. In the result, the application is allowed. The FIR being C.R. No.11218017250085 of 2025 registered with the Madhavpur Police Station, District- Porbandar, for the offences punishable under Sections 115(2), 85, 352, 351(2) and 54 of the Bharatiya Nyaya Sanhita, 2023, as well as all other consequential proceedings arising pursuant thereto are hereby quashed and set aside qua the present applicants.

10. Rule made absolute. Direct service is permitted.

**(VIMAL K. VYAS, J)**

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