

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO.
21103 of 2025**

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PATHAN SAHIDKHAN AHMEDKHAN (PATHAN SAIDKHAN AHMEDKHAN)
& ORS.
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR. MAULIK M SONI(7249) for the Applicant(s) No. 1,2,3,4,5
MR. MANAN MAHETA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS

Date : 03/12/2025

ORAL ORDER

1. Learned advocate Mr. Zalak Suthar 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 the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants-accused have prayed to quash and set-aside the First Information Report No. II 185 of 2008 registered with the Siddhpur Police Station, District - Patan, for the offences punishable under Sections 323, 504, 506 and 114 of the Indian Penal Code,1860, as well as the proceedings of the Criminal Case No.293 of 2009 pending before the learned Principal Senior Civil Judge at Patan, and all other consequential proceedings arising pursuant thereto.

3. Today, when the matter is called out, the complainant, who is personally present before this Court, has produced his identity proof

as well as the affidavit, which are ordered to be taken on record. In the said affidavit, the complainant has categorically stated that with the intervention of the friends, family members and community people, the dispute between him and the applicants-accused has been amicably resolved and there is no ill-will or any grievance amongst them.

4. 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.

5. **RULE** returnable forthwith. Learned APP Mr. Manan Maheta waives service of notice of rule for and on behalf of the respondent no.1 - State and learned advocate Mr. Zalak Suthar waives service of notice of rule for and on behalf of the respondent no.2 - complainant.

6. The complainant, who is present in the Court, has categorically stated before this Court that the dispute has been resolved and he has no objection if the application is allowed and the impugned order is quashed and set-aside.

7. The relevant paragraph of the affidavit reads thus :

" 5. In the facts and circumstances as narrated above, I at my free will, wish and desire am stating on oath that I do not wish to prosecute the criminal proceedings with petitioners as the dispute between us has been amicably settled. I state that F.I.R. being C.R.No. II 185 of 2008 dated

21.11.2008 filed before the Sidhpur Police Station, Dist.: Patan for the offences punishable under sections 323, 504, 506, 114 of IPC as well as quashing of charge sheet and Criminal Case no. 293/2009 which is pending before Ld. Principal Senior Civil Judge at Patan and consequential proceeding arising out for the petitioner may kindly be quashed."

8. Thus, it appears from the aforesaid that to continue further with the proceedings pursuant to the impugned order would be a futile exercise and the same would amount to abuse of process of law.

9. Having heard learned advocates appearing for the respective parties as well as considering the facts and circumstances arising out of the present application and taking into consideration the decisions rendered in the cases of **Gian Singh vs. State of Punjab & Another**, 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 & Another**, reported in (2009) 1 GLH 31, **Manoj Sharma vs. State & Others**, reported in (2009) 1 GLH 190, and **Narinder Singh & Others vs. State of Punjab & Another**, 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 proceedings pursuant to the impugned FIR would be a futile exercise and the same would amount to abuse of process of law. Hence, to secure the ends of justice, the impugned FIR as well as the proceedings of the criminal case and all other consequential proceedings arising pursuant thereto are required to be quashed and set-aside in exercise of the powers conferred 528 of the Bharatiya Nagarik

Suraksha Sanhita, 2023.

10. In the result, the application is allowed. The proceedings of the First Information Report No. II 185 of 2008 registered with the Siddhpur Police Station, District - Patan, for the offences punishable under Sections 323, 504, 506 and 114 of the Indian Penal Code, 1860, as well as the proceedings of the Criminal Case No. 293 of 2009 pending before the learned Principal Senior Civil Judge at Patan, and all other consequential proceedings arising pursuant thereto, are hereby ordered to be quashed and set-aside.

11. Rule made absolute. Direct service is permitted.

(VIMAL K. VYAS, J)

DEEPAK GEHLOT

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: DEEPAK GEHLOT(HC02361), ENGLISH STENO GRADE-II, at High Court of Gujarat on 04/12/2025 18:43:27