

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO.
20233 of 2025

=====

MANOJBHAI SHANTILAL PATEL & ORS.
Versus
STATE OF GUJARAT & ANR.

=====

Appearance:
MR. NILESHKUMAR MANJIBHAI VAGHASIA(11473) for the Applicant(s) No.
1,2,3
RAFIK LOKHANDWALA(5590) for the Applicant(s) No. 1,2,3
MS. KRINA CALLA ADDL. PUBLIC PROSECUTOR for the Respondent(s)
No. 1

=====

CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS

Date : 11/11/2025

ORAL ORDER

1. Learned advocate Mr. Aditya Pancholi appears and states that he has instructions to appear on behalf of respondent No.2. Registry shall accept his vakalatnama.

2. By way of filing this application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "the BNSS"), the applicants-accused have prayed to quash and set aside the FIR No. I-126 of 2016 for the offence punishable under Sections 365, 506(2), 387, 323, 341 and 114 of the Indian Penal Code, under Section 135 of the Gujarat Police Act and under Sections 3(1)(r)(s) and 3(2)(5a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act registered with the Adajan Police Station as well as all other consequential proceedings arising out of the aforesaid FIR including the Atro Special Case No. 27 of 2016

pending before the learned 14th Addl. District Judge, qua the applicants herein.

3. Today, when the matter is called out, the complainant is present before this Court. He has produced the I.D proof which is ordered to be taken on record. The affidavit of the respondent No.2 is at Annexure C. In the affidavit, the complainant has categorically stated that the dispute between the parties is now resolved and there is no ill-will or any grievance amongst the parties.

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 the rule for and on behalf of the respondent No.1 State. Learned advocate Mr. Aditya Pancholi waives service of notice of rule on behalf of the respondent No.2 Complainant.

6. Learned advocate Mr. Pancholi on behalf of the complainant has submitted that the complainant has received the compensation amount of Rs. 75,000/- from the Social Welfare Department, which the complainant undertakes to return within a period of 2 weeks from the date of this order. Learned advocate has therefore, submitted that since the dispute

has been amicably resolved the application may be allowed and the impugned FIR may be quashed and set aside.

7. The complainant, who is present in the Court has stated before this Court that he has no objection, if the FIR is quashed. Thus, sending the applicants-accused to face the trial is a futile exercise.

7.1 The relevant para of the affidavit reads thus :

“ I state that myself and the applicants accused are engaged in the same business of buying and selling the footwear and therefore, we have common friends and acquaintances. Therefore, upon intervention of common friends, acquaintances elderly members of society, and community leaders, the complainant and applicants have agreed to compromise and settle the dispute. It is stated that an amicable settlement has arrived at between the complainant and the accused applicants and since the offences alleged against the applicants are personal in nature and not affecting any interest of the State Government, it has been agreed to compromise the dispute including the impugned complaint filed by my me and all subsequent consequentially proceedings including the Atro Special Case No. 27 of 2016, pending before the learned 14th Addl. District Judge, Surat. It is stated that dispute and grievance of both the sides have been amicably settled and I do not want to prosecute the petitioners any further with respect ot he impugned FIR.”

8. Having heard learned counsel appearing for the respective parties, as well as considering the facts and circumstances arising out of the present application 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)** as well as **State of Haryana Vs. Bhajanlal** reported in **AIR 1992 SC 604**, it appears that further continuation of criminal proceedings in relation to the impugned FIR against the applicants-accused would be an unnecessary harassment to the applicants-accused. 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. Hence, to secure the ends of justice, the impugned FIR and other consequential proceedings are required to be quashed and set aside in exercise of the powers conferred under Section 528 of the BNSS, 2023.

9. In the result, the application is allowed. The proceedings of the FIR No. I-126 of 2016 with Adajan Police Station as well as all other consequential proceedings arising out of the aforesaid FIR qua the applicants-accused are hereby quashed and set aside.

10. The complainant is hereby directed to deposit the amount received as compensation within a period of two weeks from the date of this order with the Social Welfare Department.

Direct service is permitted.

(VIMAL K. VYAS, J)

MARY VADAKKAN