

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO.
21147 of 2025**

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KARAN CHIMANBHAI UMRIGAR & ORS.**Versus****STATE OF GUJARAT & ANR.**

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Appearance:**MR KUNAL S SHAH(5282) for the Applicant(s) No. 1,2,3,4****MS KRINA CALLA, APP for the Respondent(s) No. 1****MS NEHA SHUKLA for the Respondent(s) No. 2**

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CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS**Date : 07/11/2025****ORAL ORDER**

1. At the outset, learned advocate Mr.Kunal S.Shah appearing for the applicants-accused has very fairly conceded that initially the present application was filed on merits, however, during the pendency of the case, since the parties have reached to an amicable settlement, therefore, he has prayed to take up the matter for consent quashing.

2. Learned advocate Ms.Neha Shukla appears and states that she has instructions to appear on behalf of the respondent no.2 - first informant. She is permitted to file her appearance. Registry shall accept her vakalatnama.

3. Considering the issue involved in the present application as well as considering the fact that the dispute between the applicants-accused and the first informant has been amicably resolved, with the consent of learned advocates appearing for the respective parties, the present application is taken up for final disposal.

4. RULE returnable forthwith. Learned APP Ms.Krina P.Callawaives service of notice of rule for and on behalf of the respondent no.1 – State and learned advocate Ms.Neha Shukla waives service of notice of rule for and on behalf of the respondent no.2 – original complainant.

5. The present application was filed by the applicants-accused under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for quashing and setting aside the First Information Report No.11210048250898 of 2025 lodged before the Umra Police Station, Surat, for the offences punishable under Sections 74, 76, 115(2), 296(b) and 54 of the Bharatiya Nyaya Sanhita, 2023, along with all other consequential proceedings arising pursuant thereto.

6. Learned advocate Mr.Kunal S.Shah appearing for the applicants-accused has taken this Court through the factual matrix arising out of the present application. At the outset, it is submitted that the parties have amicably resolved the dispute, and they do not want to proceed further with the matter as the same would put them to hardships. Learned advocate Mr.Shah has submitted that the respondent no.2 – original complainant, namely, Harsh Sanjaybhai Ram, as well as the victims, namely, Pinkiben Sanjaybhai Ram and Saurabhkumar Rameshbhai Patel, have respectively filed their affidavit in this regard dated 15.09.2025, *inter alia*, stating that the dispute between them and the applicants-accused has been resolved due to the intervention of the elders and respected persons of the society. He has, therefore, submitted that since the dispute has been resolved between the parties, the trial would be a futile exercise and further continuation of the proceedings would amount to abuse of process of law.

7. Learned advocate Mr.Shah has, therefore, urged that considering the aforesaid, this Court may allow the present

application and quash & set-aside the impugned FIR in exercise of its inherent powers conferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. Learned APP Ms.Krina P.Calla appearing for the respondent – State has vehemently opposed the present application and has submitted that considering the seriousness and gravamen of the offence, the complaint in question may not be quashed and the present application may be rejected.

9. Learned advocate Ms.Neha Shukla appearing for the respondent no.2 – original complainant has reiterated the contentions raised by learned advocate appearing for the applicants-accused. She has relied upon the affidavits filed by the original complainant as well as the victims dated 15.09.2025, which are produced on record vide Annexures-B and C collectively.

10. The respondent no.2 – original complainant as well as the victims are present in the Court, and they have been duly identified by learned advocate representing them.

11. On inquiry being made by this Court, the respondent no.2 – original complainant has voluntarily made a statement before this Court that he has not been pressurized by the applicants-accused or any other person and stated that the dispute between him and the applicant-accused has been amicably resolved due to the intervention of the elders and respected persons of the society, and now he has no grievance against the present applicants-accused as the same has been redressed. He has, therefore, urged that he has no objection if the present application is allowed and the impugned FIR is quashed and set-aside.

12. Having heard learned advocates appearing for the respective parties and having considered the arguments canvassed by learned advocates for the applicants-accused and the original complainant as well as taking into consideration the decisions of the Supreme Court 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), it appears that further continuation of the criminal proceedings in relation to the impugned FIR against the applicants-accused would be nothing but unnecessary harassment to the applicants-accused and it would be a futile exercise.

13. This Court has also taken into consideration the decision of the Supreme Court rendered in the case of *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others vs. State of Gujarat* (Criminal Appeal No.1723 of 2017, decided on 04.10.2017) and the guidelines issued in the said decision, more particularly paragraph-15 thereof. Considering the nature of the dispute between the parties, I am of the considered opinion that the matter requires consideration. It appears that the trial would be futile exercise and further continuance of the proceedings pursuant to the impugned FIR would amount to abuse of process of law. Therefore, to secure the ends of justice, the impugned FIR is required to be quashed and set aside in exercise of the powers conferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

14. In the result, the application is allowed. The First Information Report No.11210048250898 of 2025 lodged before the Umra Police Station, Surat, is hereby ordered to be quashed and set-aside. Consequently, all consequential proceedings arising pursuant thereto are also quashed and set-aside.

15. Rule made absolute. Direct service is permitted.

(VIMAL K. VYAS, J.)

/MOINUDDIN

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MOINUDDIN ABDULLAH SAIYED(HC00172), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 10/11/2025 15:03:27