

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO.
20848 of 2025**

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RAKESH BACHUBHAI RATHOD & ORS.**Versus****STATE OF GUJARAT & ANR.**

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Appearance:**MR ASHISH M DAGLI(2203) for the Applicant(s) No. 1,2,3,4****MS. KRINA P. CALLA, APP for the Respondent(s) No. 1**

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CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS**Date : 12/11/2025****ORAL ORDER**

1. Learned advocate Mr. Jaypalsinh B. Vaghela 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.11214020252413 of 2025 registered with the Kamrej Police Station, District Surat, for the offences punishable under Sections 115(2), 118(1), 118(2) 352, 31(3), 54 of the Bharatiya Nyaya Sanhita, 2023 and under Section 135 of the G.P. Act, as well as all other consequential proceedings arising pursuant thereto.

3. Today, when the matter is called out, the complainant, who is personally present before this Court, and the victim who has appeared through virtually mode, have categorically stated that with the intervention of the friends, family members and community people, the dispute between them and the applicants-accused has been amicably resolved and there is no ill-will or any grievance amongst them. The victim and the complainant have also filed an affidavit and have admitted the contents of the same.

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 Ms. Krina Calla waives service of notice of rule for and on behalf of the respondent no.1 - State and learned advocate Mr. Jaypalsinh B. Vaghela waives service of notice of rule for and on behalf of the respondent no.2 - complainant.

6. The complainant, who is personally present before this Court, and the victim who has appeared through virtually mode, have categorically stated before this Court that they have no objection, if the application is allowed and the FIR is quashed

and set-aside. Thus, it appears from the aforesaid that sending the applicants-accused to face the trial would be nothing but a futile exercise and would amount to abuse of process of law.

7. 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 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. It further appears that the trial would be a futile exercise 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 all other consequential proceedings arising pursuant thereto are required to be quashed and set-aside in exercise of the powers conferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. In the result, the application is allowed. The proceedings of the First Information Report No.11214020252413 of 2025 registered with the Kamrej Police Station, District Surat, for the offences punishable under Sections 115(2), 118(1), 118(2) 352, 31(3), 54 of the Bharatiya Nyaya Sanhita, 2023 and under Section 135 of the G.P. Act, as well as all other consequential proceedings arising pursuant thereto are hereby ordered to be quashed and set-aside.

9. Rule made absolute. Direct service is permitted.

(VIMAL K. VYAS, J)

AMAR SINGH

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AMAR SINGH(HC01081), PRIVATE SECRETARY, at High Court of Gujarat on 13/11/2025 14:48:01