

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (RECALL) NO. 22017 of
2024

In R/CRIMINAL MISC.APPLICATION/13280/2024
With
R/CRIMINAL MISC.APPLICATION NO. 12748 of 2025
In
R/CRIMINAL MISC.APPLICATION NO. 11555 of 2024

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ROHITBHAI MADHAVLAL PATEL
Versus
STATE OF GUJARAT & ORS.

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Appearance:

RUSHI B BHAVSAR(9342) for the Applicant(s) No. 1
MR MIG MANSURI(444) for the Respondent(s) No. 2,3
MS KRINA CALLA ADDITIONAL PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 17/04/2026

COMMON ORAL ORDER

1.The applicant of Criminal Misc. Application No.
22017 of 2024 (husband) and the applicant of
Criminal Misc. Application No. 12748 of 2025
(wife), have submitted that on 18.07.2024, by
way of consent quashing, the FIR being C.R. No.
128 of 2018 dated 31.05.2018, registered with
Vadaj Police Station, District Ahmedabad, and
all consequential proceedings thereto were
quashed qua the applicant viz. Mitesh Rameshbhai

Patel, on an express consent recorded by this Court.

2. Similarly, vide order dated 04.07.2024 passed in Criminal Misc. Application No. 11555 of 2024, the FIR being C.R. No. II-91 of 2018 registered with Unjha Police Station, District: Mehsana, filed against the applicant Rohitbhai Madhavlal Patel, was quashed by way of an application for consent quashing, and while quashing both the respective FIRs in two different proceedings, the complainants in the respective FIRs were present.

3. However, after the respective FIRs and consequential proceedings were quashed vide order dated 18.07.2024 passed in Criminal Misc. Application No. 13280 of 2024 and order dated 04.07.2024 passed in Criminal Misc. Application No. 11555 of 2024, two separate applications were filed by the respective complainants seeking recall of the orders on various grounds stated in the applications.

4. The root cause of the dispute and the reason behind filing the applications for recall in both these matters, as alleged by the counsels appearing for the parties, is that the opposite parties in respect of both the FIRs, namely the original accused qua whom the FIRs and all consequential proceedings were quashed, have not fulfilled the terms of the settlement after the FIRs were quashed.

5. Ordinarily, the Court would not have chosen to recall the order once a settlement is arrived at between the parties in the presence of the complainant, which is already recorded in the order. However, in the instant case, both learned advocates Mr. Rushi Bhavsar and learned advocate Mr. MIG Mansuri, appearing for the respective parties, i.e., the husband and wife, have jointly stated that they are not inviting a reasoned order and, with their express consent, both the orders whereby the FIRs were quashed in favour of the respective applicants may be

recalled.

6. Considering the fact that this is a matrimonial dispute and other disputes as well, and further considering that various litigations are already pending before different Courts, as per the wishes of both learned advocates, who have conveyed the wishes of the respective parties, the orders whereby the FIRs qua the respective applicants were quashed are required to be recalled. Accordingly, in view of the consensus arrived at between the parties and considering that the FIRs have been registered in respect of matrimonial disputes between the parties, both the orders dated 18.07.2024 passed in Criminal Misc. Application No. 13280 of 2024 and dated 04.07.2024 passed in Criminal Misc. Application No. 11555 of 2024 are hereby recalled.

7. The Registry is directed to list the main matters before the Court taking up the matter as per the roster.

(NIRZAR S. DESAI, J)

Pallavi