

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO.
22575 of 2025**

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HATHISINH AGARSINH BARAD @ HAKO RAJDHANI & ANR.**Versus****STATE OF GUJARAT & ANR.**

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Appearance:**DINESH M DESAI(9086) for the Applicant(s) No. 1,2****MR ADITYA JADEJA, APP for the Respondent(s) No. 1**

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CORAM:HONOURABLE MS. JUSTICE S.V. PINTO**Date : 06/05/2026****ORAL ORDER**

1. Rule returnable forthwith. Learned APP Mr.Aditya Jadeja and learned advocate Mr.Ankit Dixit waive service of notice of rule for the respective respondents.

2. By way of this application under Section 482 of the Code of Criminal Procedure, 1973, the applicants have prayed to quash and set aside the FIR No.11191015211324 registered with Nikol Police Station, Ahmedabad City for the offences under Sections 306, 384, 387 and 114 etc. of Indian Penal Code, u/s. 5, 33(3) and 42 etc. of the Money Lenders Act and all the consequential proceedings arising therefrom.

4. Heard learned advocate Mr.Dinesh M. Desai for the applicants, learned APP Mr. Aditya Jadeja for the respondent no.1 – State and learned advocate Mr. Ankit Dixit for the respondent no.2 – original complainant.

5. Learned advocate Mr.Dinesh M. Desai for the applicant and learned advocate Mr. Ankit Dixit for the respondent no.2 – original complainant jointly submit that the impugned FIR qua the co-accused have been quashed and set aside by this Court vide order dated 01.04.2026 passed in Special Criminal Application (Quashing) No. 13880 of 2023, order dated 27.04.2026 passed in Special Criminal Application (Quashing) Nos. 12896 of 2023 and 9652 of 2023. Learned advocates further submit that the dispute between the parties has been amicably settled between the parties and the respondent no.2 – original complainant does not wish to prosecute the matter further. The compromise has been arrived due to intervention of trusted pending people of the society and well-wishers of the both the sides and, therefore, the respondent no.2 has no objection if the impugned FIR as well as

all the other consequential proceedings arising pursuant thereto are quashed against the applicants – accused.

6. Learned advocate Mr. Ankit Dixit for the respondent no.2 – original complainant submits that the respondent no.2 – original complainant is present before this Court and produced her affidavit stating that the dispute between the parties is amicably settled and she has no objection if the impugned FIR and consequential proceedings are quashed. The affidavit filed by the respondent no.2 – original complainant is taken on record.

7. Learned APP Mr. Aditya Jadeja for the respondent no.1 – State submits that the contents of the FIR are just and proper; however, considering the fact that the dispute between the parties is amicably settled, necessary order may be passed.

8. The affidavit filed by the respondent no. 2 – original complainant reads as under:

1. I, Kamaliya Sarojben Bhupendrabhai Age: 41 years, Female, Hindu, Occupation: Household, Residing at: B-45, Gitapark, Narayannagar, Part 1, Khodiyarnagar, Ahmedabad herein the respondent no.2 do

hereby solemnly affirm and state on oath as under:

2. That I have read the contents of the application and documents appended with the application. I am well conversant with the facts of the case and being the respondent no.2 herein (original complainant), I am fully competent to file this affidavit in reply for settlement.
3. I say and submit that whatever contents, averments made in the petition by the petitioner is hereby not admitted. However merits of the petition are not of much importance because a compromise/settlement has been arrived between us i.e. petitioners and respondent no.2.
4. It is necessary to states that the petitioners and myself were acquaintances. However due to suicide committed by my husband, the FIR was registered by me in the heat of the moment. The elder members of our community sat together and made me understand the thing which happened in the heat of the moment.
5. I hereby also declare that this affidavit as well as settlement has been without any pressure, threat, coercion and purely out of love/respect of our families.
6. I therefore, declare and solemnly affirm that I have no objection if the petition is allowed as prayed by the petitioners. I also have no objection if the FIR registered at CR.No.11191015211324/2021dt.27/08/2021 at Nikol Police Station, Ahmedabad, against the applicant for offences punishable under section 306, 384, 387 & 114 of Indian Penal Code 1860 and under section 5, 33(3) and 42 of Gujarat Money Lender Act 2011 as well as SC No. 1086 of 2024 pending before the Ld. City Civil and Sessions Court,

Ahmedabad and the resultant proceedings are quashed and set aside.

7. The contents of paragraphs 1 to 7 of this affidavit are read over to me and explained to me in Gujarati and the same are true and correct to the best of my knowledge and belief..

9. So far as Section 482 of the Cr.P.C. is concerned, the Apex Court in the case of **Parbatbhai Aahir Alias Parbatbhai Bhimsinhbhai Karmur Vs. State of Gujarat** reported in **AIR 2017 SC 4843**, has observed in Para-15 as under:

- “15. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:
- (i) Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognizes and preserves powers which inherent the High Court;
 - (ii) The invocation of the jurisdiction of the High Court to quash a First Information Report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.
 - (iii) In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power,

- (iv) While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised; (i) to secure the ends of justice or (ii) to prevent an abuse of the process of any court;
- (v) The decision as to whether a complaint or First Information Report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated;
- (vi) In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences;
- (vii) As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned;
- (viii) Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute;
- (ix) In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and
- (x) There is yet an exception to the principle set out in propositions (viii) and (ix) above. Economic offences

involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

10. The Hon’ble Supreme Court, in the case of Shiji alias Pappu and Ors. Vs. Radhika and Anr. reported in AIR 2012 SC 499, has held in Para-13 as under:

“13. It is manifest that simply because an offence is not compoundable under Section 320, IPC is by itself no reason for the High Court to refuse exercise of its power under Section 482, Cr.P.C. That power can in our opinion be exercised in cases where there is no chance of recording a conviction against the accused and the entire exercise of a trial is destined to be an exercise in futility. There is a subtle distinction between compounding of offences by the parties before the trial Court or in appeal on one hand and the exercise of power by the High Court to quash the prosecution under Section 482, Cr. P.C. on the other. While a Court trying an accused or hearing an appeal against conviction, may not be competent to permit compounding of an offence based on a settlement arrived at between the parties in cases where the offences are not compoundable under Section 320, the High Court may quash the prosecution even in cases where the offences with which the accused stand charged are non-compoundable. The inherent powers of the High Court under Section 482, Cr.P.C. are not for that purpose controlled by Section 320, Cr.P.C. Having said so, we must hasten to add that the plenitude of the power under Section 482, Cr.P.C. by itself, makes it obligatory for the High Court to exercise the same with utmost care and caution. The width and the nature of the power itself demands that its exercise is sparing and only in cases where the High Court is, for reasons to be recorded, of the clear view that continuance of the prosecution would be nothing but an abuse of the process of

law. It is neither necessary nor proper for us to enumerate the situations in which the exercise of power under Section 482 may be justified. All that we need to say is that the exercise of power must be for securing the ends of justice and only in cases where refusal to exercise that power may result in the abuse of the process of law. The High Court may be justified in declining interference if it is called upon to appreciate evidence, for, it cannot assume the role of an appellate court while dealing with a petition under Section 482 of the Criminal Procedure Code. Subject to the above, the High Court will have to consider the facts and circumstances of each case to determine whether it is a fit case in which the inherent powers may be invoked.”

11. Having heard the learned advocates for the respective parties, considering the facts and circumstances arising out of the present petition 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 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 matter is voluntarily amicable settled between the parties without any pressure, threat, coercion and further continuation of criminal proceedings in relation to the impugned FIR against the applicants would be unnecessary harassment to the applicants. 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 and Court and 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 powers conferred under Section 482 of the Code.

12. The occurrence involved in this case as purely personal or having overtones of criminal proceedings of private nature, the parties on their own volition, without any coercion or compulsion, willingly and voluntarily have buried their differences and wish to accord a quietus to their dispute and considering that continuation of proceedings would serve no useful purpose, this Court is satisfied that the matter deserves to be brought to an end by exercising inherent jurisdiction.

13. Accordingly, the present application is allowed.

14. The impugned FIR No.11191015211324 registered with Nikol Police Station, Ahmedabad City as well as all consequential proceedings initiated in pursuance thereof are hereby quashed and set aside qua the applicants.

- 15.** Connected application/s, if any, stand/s disposed of.
- 16.** Rule made absolute. Direct service is permitted.

F.S.KAZI

(S. V. PINTO,J)