

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO.
23823 of 2025

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ASHISH S/O. VINOD KUMAR
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR. RAAJEN D JADHAV(10026) for the Applicant(s) No. 1
MR. TIRTHRAJ PANDYA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS

Date : 29/04/2026

ORAL ORDER

1. Learned advocate Mr. Anirudh Suchak appears and submits that he has instructions to appear on behalf of the respondent No. 2- complainant and the victim. Registry shall accept his vakalatnama.

2. By way of filing the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant-accused has prayed to quash and set aside the FIR being CR. No.11210002251101 of 2025 registered with the Sachin GIDC Police Station, District - Surat, for the offence punishable under Section 137(2) of the Bharatiya Nyaya Sanhita, as well as all other consequential proceedings arising pursuant thereto qua the present applicant.

3. **RULE** returnable forthwith. Learned APP Mr. Tirthraj Pandya waives service of notice of rule for and on behalf of the

respondent no.1 – State. Learned advocate Mr. Anirudh Suchak waives service of notice of rule for and on behalf of the respondent No.2- complainant.

4. At the outset, learned advocate Mr. Raajen Jadhav appearing for the applicant has submitted that the victim girl, i.e. the daughter of the complainant (i.e. the respondent No.2), who was aged about 17 years 10 months at the time of the alleged incident had, on her own will and volition, eloped with the present applicant. Learned advocate has further submitted that the victim girl was having intimacy with the present applicant and, therefore, they got married on 16.06.2025. Learned advocate Mr. Jadhav has submitted that since the dispute between the parties has been amicably resolved and the couple are happily residing together, the trial would be a futile exercise and further continuation of the proceedings would amount to abuse of process of law.

5. Learned APP 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.

6. The respondent no.2 - original complainant, who is the father of the victim-girl and the victim girl are personally present before this Court. He has submitted that the matter has been amicably resolved with the applicant-accused and he does not want to proceed further with the matter as he has no grievance against the present applicant-accused. He has also filed an

affidavit dated 03.10.2025 in this regard, which is annexed at Annexure- B (colly.) to the application The victim-girl has also filed an affidavit dated 03.09.2025 to the application.

7. The relevant paragraph of the affidavit filed by the complainant reads as under:-

"1. That I am the complainant of criminal complaint FIR registered vide C.R. No. 11210002251101 of 2025 dated 07.04.2025, registered with Sachin GIDC Police Station, Surat for offences under Sections 137 (2) of the Bharatiya Nyaya Sanhita against the accused named therein. I the complainant of the FIR state that the accused therein and present applicant is the husband of daughter of the undersigned and that complaint was filed by the undersigned in heat of moment and on the basis of suspicion, as the daughter of the undersigned and petitioner were good friends initially and thereafter, they were in love relationship. That the impugned FIR which was lodged due to misunderstanding and is a hindrance in the matrimonial life of the petitioner and victim and as the dispute have been amicably resolved hence nothing is remain, there is no bitterness left in our heart and mind. It is therefore stated that the FIR being C C.R. No. 11210002251101 of 2025 dated 07.04.2025, registered with Sachin GIDC Police Station, Surat for offences under Sections 137 (2) of the Bharatiya Nyaya Sanhita were registered against the petitioner in the heat of moment and out of miscommunication and confusion between us and that upon the intervention of the prominent members of the community, elderly persons, friends and mediators, an amicable settlement has been arrived at between both the families and the petitioner and since the dispute alleged against are personal in nature not affecting any interest of the state government and both have settled the dispute permanently."

8. The relevant paragraph of the affidavit filed by the victim reads as under:-

"1. That I am the Victim / daughter of the complainant of criminal complaint FIR registered vide C.R. No. 11210002251101 of 2025 dated 07.04.2025, registered with Sachin GIDC Police Station, Surat for offences under Sections 137 (2) of the Bharatiya Nyaya Sanhita against the accused named therein. I the victim of the FIR state that the accused therein and present applicant is the husband, of undersigned and that complaint was filed by the father of the undersigned in heat of moment and on the basis of suspicion, as the undersigned and petitioner were good friends initially and thereafter, love relationship. That the impugned FIR which was lodged due to misunderstanding is a hindrance in the matrimonial life of the undersigned and as the dispute have been amicably resolved hence nothing is remain, there is no bitterness left in our heart and mind. It is therefore stated that the FIR being C C.R. No. 11210002251101 of 2025 dated 07.04.2025, registered with Sachin GIDC Police Station, Surat for offences under Sections 137 (2) of the Bharatiya Nyaya Sanhita were registered against the petitioner in the heat of moment and out of miscommunication and confusion between us and that upon the intervention of the prominent members of the community, elderly persons, friends and mediators, an amicable settlement has been arrived at between both the families and the petitioner and since the dispute alleged against are personal in nature not affecting any interest of the state government and both have settled the dispute permanently."

9. It appears from the material on record that the victim girl was having intimacy with the applicant and therefore, she on her own will and volition, had eloped with the applicant, and subsequently, after attaining the age of majority, she got married with the applicant on 16.06.2025 at Delhi, and the marriage has also been registered on the same day before the Arya Samaj Sanatan Vaidik Sanskar Trust. Furthermore, it appears that the couple is residing happily under one roof.

10. Having heard learned advocate for the applicant-accused as well as the victim and the complainant, so also taking into consideration the affidavits filed by the victim and the

complainant along with 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 continuing further with the criminal proceedings in relation to the impugned FIR against the applicant-accused would be nothing but unnecessary harassment to the applicant-accused, and it would be a futile exercise.

11. Considering the nature of the dispute between the parties as well as considering the peculiar facts of the case, this Court is of the considered opinion that the matter requires consideration. The continuation of the trial would be a futile exercise since the star witness, who herself is the victim, does not want to continue further with the proceedings pursuant to the impugned FIR. It, therefore, appears that the same 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 inherent powers conferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

12. In the result, the application is allowed. The FIR being CR. No.11210002251101 of 2025 registered with the Sachin GIDC Police Station, District - Surat, for the offence punishable under Section 137(2) of the Bharatiya Nyaya Sanhita, as well as all other consequential proceedings arising pursuant thereto are

ordered to be quashed and set-aside qua the present applicant.

13. Rule made absolute. Direct service is permitted.

prk

(VIMAL K. VYAS, J)