

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE  
FIR/ORDER) NO. 25637 of 2025**

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MADEVJI KAJAJI RAJPUT (MADEVBHAI KAJABHAI RAJPUT) & ANR.  
Versus  
STATE OF GUJARAT & ANR.

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**Appearance:**

MR. NISARG D SHAH(7299) for the Applicant(s) No. 1,2  
SUNIL H PRAJAPATI(8350) for the Applicant(s) No. 1,2  
DS AFF.NOT FILED (N) for the Respondent(s) No. 2  
MS. ASMITA PATEL, APP for the Respondent(s) No. 1

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**CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS****Date : 25/02/2026****ORAL ORDER**

1. Learned advocates Mr. Rahul Shrimali and Mr. Manish Pathak appear and submit that they have instructions to appear on behalf of the respondent no.2 - original complainant. They are permitted to file their appearance. Registry shall accept their vakalatnama.

2. By way of preferring the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants-accused seek to invoke the inherent powers of this Court, praying to quash and set-aside the First Information Report No. 11996005250230 of 2025 registered with the Suigam Police Station, District Vav-Tharad, for the offences punishable under Sections 115(2), 117(2), 118(1), 118(2),

109(1), 189(2), 191(2), 191(3), 190, 296(b), 351(3) of the Bharatiya Nyaya Sanhita, 2023 and under Section 135 of G.P. Act, as well as all other consequential proceedings arising pursuant thereto.

3. Today, when the matter is called out, the complainant and all the victims, who are personally present before this Court, have produced their identity proof as well as submitted their respective affidavits. The same are ordered to be taken on record. In the said affidavit, the complainant and all the victims have categorically stated that with the intervention of the friends, family members and community people, the dispute has been amicably resolved with the applicants and there is no ill-will or any grievance amongst them.

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. Asmita Patel waives service of notice of rule for and on behalf of the respondent no.1 - State and learned advocates Mr. Rahul Shrimali and Mr. Manish Pathak waive service of notice of rule for and on behalf of the respondent no.2 - complainant.

6. Learned advocate for the applicants-accused has submitted that since the dispute has been amicably resolved between the parties, the application may be allowed and the impugned FIR may be quashed and set-aside.

7. The complainant and the victims who are personally present in the Court, 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.

8. The relevant paragraphs of the affidavit filed by the complainant - Jaydipbhai Ishvarbhai Rajput, read thus :

*"1. I am the original complainant of the complaint filed with SUIGAM Police Station, VAV THARAD being FIR No. 11996005250230 OF 2025 for the offences punishable under Section 115 (2), 117 (2), 118 (1), 118 (2), 109 (1), 189 (2), 191 (2), 191 (3), 190, 296 (b), 351 (3) of BNS Act & 135 of GP Act on 20.10.2025 and chargesheet came to be filled being CC No. 02 of 2026 pending before the Ld. Judicial Magistrate First Class, Suigam.*

*2. I submit that the dispute between myself and the Applicant is resolved and settled amicably now, harmony has been established between us. The Parties have interalia agreed to withdraw and get quashed all Criminal Proceedings filed by deponent. Therefore I submit that the complaint in question be quashed and set aside and for that I have no any objection to the same.*

*3. It is further submitted that since now there is no any dispute with myself and Applicant and harmony has been established*

*with the family and now the original dispute has been over and settled therefore, the present complainant has decided not to proceed with the complaint in question against the Applicant herein. Therefore, considering the above stated fact I have no any objection, if the present application is allowed by quashing and setting aside the complaint filed by me with FIR SUIGAM Police Station, VAV THARAD being FIR No. 11996005250230 OF 2025 for the offences punishable under Section 115 (2), 117 (2), 118 (1), 118 (2), 109 (1), 189 (2), 191 (2), 191 (3), 190, 296 (b), 351 (3) of BNS Act & 135 of GP Act on 20.10.2025 and chargesheet came to be filled being CC No. 02 of 2026 pending before the Ld. Judicial Magistrate First Class, Suigam."*

9. The relevant paragraphs of the affidavit filed by the victims - Tejabhai Rupabhai Rajput, Rajeshbhai Tejabhai Rajput and Pravinbhai Tejabhai Rajput, read thus :

*"1. I am the original victim of the complaint filed with SUIGAM Police Station, VAV THARAD being FIR No. 11996005250230 OF 2025 for the offences punishable under Section 115 (2), 117 (2), 118 (1), 118 (2), 109 (1), 189 (2), 191 (2), 191 (3), 190, 296 (b), 351 (3) of BNS Act & 135 of GP Act on 20.10.2025 and chargesheet came to be filled being CC No. 02 of 2026 pending before the Ld. Judicial Magistrate First Class, Suigam.*

*2. I submit that the dispute between myself and the Applicant is resolved and settled amicably now, harmony has been established between us. The Parties have interalia agreed to withdraw and get quashed all Criminal Proceedings filed by deponent. Therefore I submit that the complaint in question be quashed and set aside and for that I have no any objection to the same.*

*3. It is further submitted that since now there is no any dispute with myself and Applicant and harmony has been established with the family and now the original dispute has been over and settled therefore, the present complainant has decided not to proceed with the complaint in question against the Applicant herein. Therefore, considering the above stated fact I have no any objection, if the present application is allowed by quashing and setting aside the complaint filed by me with SUIGAM Police Station, VAV THARAD being FIR No.*

*11996005250230 OF 2025 for the offences punishable under Section 115 (2), 117 (2), 118 (1), 118 (2), 109 (1), 189 (2), 191 (2), 191 (3), 190, 296 (b), 351 (3) of BNS Act & 135 of GP Act on 20.10.2025 and chargesheet came to be filled being CC No. 02 of 2026 pending before the Ld. Judicial Magistrate First Class, Suigam."*

10. 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 continuing further with the criminal 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.

11. In the result, the application is allowed. The First Information Report No. 11996005250230 of 2025 registered with the Suigam Police Station, District Vav-Tharad, for the offences punishable under Sections 115(2), 117(2), 118(1), 118(2), 109(1), 189(2), 191(2), 191(3), 190, 296(b), 351(3) of the Bharatiya Nyaya Sanhita, 2023 and under Section 135 of G.P. Act, as well as all other consequential proceedings arising pursuant thereto are hereby ordered to be quashed and set-aside, qua the present applicants only.

12. Rule made absolute. Direct service is permitted.

AMAR SINGH

**(VIMAL K. VYAS, J)**