

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 27046 of 2025

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REKHABEN JITUBHAI GHODADARA & ANR.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR. SIDDHARTH R KHESKANI(9483) for the Applicant(s) No. 1,2

MR. MANAN MAHETA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS

Date : 16/01/2026

ORAL ORDER

1. Learned advocates Mr.Salim Saiyed and Mr. Aaditya Pancholi appear and submit that they have instructions to appear on behalf of the respondent No. 2- original complainant. Registry shall accept their vakalatnama.

2. By way of filing this application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "the BNSS"), the applicants-accused have prayed to quash and set aside the FIR being CR. No.11210063250821 of 2025 registered with the Singanpor-Dabholi Police Station, Surat City, for the offences punishable under Sections 318(4), 316(5) and 54 of the Bharatiya Nyaya Sanhita, 2023, as well as all other consequential proceedings arising out of the aforesaid FIR qua the applicants herein.

3. Today, when the matter is called out, the complainant is personally present before this Court and has produced his

identity proof and the affidavit, which are ordered to be taken on record. In the said affidavit, the complainant has categorically stated that the dispute between the parties is now resolved 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 between the parties has been amicably resolved, with the consent of learned advocates for the respective parties, the present application is taken up for final disposal.

5. Rule returnable forthwith. Learned APP Mr. Manan Maheta waives service of notice of the rule for and on behalf of the respondent No.1 State. Learned advocates Mr. Salim Saiyed and Mr. Aaditya Pancholi waive service of notice of rule for and on behalf of the respondent No.2- complainant.

6. The complainant, who is personally present in the Court has stated before this Court that he has no objection if the FIR is quashed. Thus, sending the applicants-accused to face the trial would be a futile exercise.

7. The relevant paragraphs of the affidavit filed by the complainant read thus :

"1. That I am the original complainant of complaint being FIR No. 11210063250821 of 2025 dated 12.12.2025 under sections 318(4), 316(5), 54 of the Bharatiya Nyaya Sanhita registered with Singanpor Dabholi Police Station, District - Surat.

2. That due to the intervention of family, friends and respectable persons, the dispute between myself and the

accused has been amicably resolved and settled. Therefore, I do not want to prosecute the applicants any further with respect to the impugned FIR.

3. That pursuant to the aforesaid settlement, I have already obtained the sanction letter from the concerned bank, namely ICICI Bank, and the home loan in respect of the said flats shall accordingly be transferred in my name. It is further stated that I have received the entire amount payable to the bank, which has been arranged through the well-wishers and relatives of the accused. The accused have further undertaken to execute the sale deed before the learned Sub-Registrar at the earliest upon the release of accused no. 1 and 3 from custody, as they are presently in jail. In view of the aforesaid facts and settlement, I do not wish to prosecute the accused any further in connection with the present FIR.

4. That the compromise has been entered into voluntarily and consciously, without any fraud, coercion, pressure, threat or undue influence from any side, and all parties have agreed to honour and abide by the settlement.

5. Therefore, I accord my consent to this Hon'ble Court to quash the FIR, being No. 11210063250821 of 2025 dated 12.12.2025 under sections 318(4), 316(5), 54 of the Bharatiya Nyaya Sanhita registered with Singanpor Dabholi Police Station, District Surat and all subsequent consequential proceedings arising pursuant to the said F.I.R., which would serve the purpose of justice."

8. Having heard learned counsel appearing for the respective parties, as well as considering the facts and circumstances arising out of the present application and also taking into consideration the decisions 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)** as well as **State of Haryana Vs. Bhajanlal** reported in **AIR 1992 SC 604**, it appears that continuing further with the criminal proceedings in relation to the impugned FIR against the applicants-accused would be an unnecessary harassment to the applicants-accused. It further appears that the trial would be a futile exercise and further continuing with 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 are required to be quashed and set aside in exercise of the powers conferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

9. In the result, the application is allowed. The FIR being CR. No.11210063250821 of 2025 registered with the Singanpor- Dabholi Police Station, Surat City, for the offences punishable under Sections 318(4), 316(5) and 54 of the Bharatiya Nyaya Sanhita, 2023, as well as all other consequential proceedings arising pursuant thereto are hereby ordered to be quashed and set aside qua the applicants.

10. Rule made absolute. Direct service is permitted.

(VIMAL K. VYAS, J)

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