

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 27885 of 2025**

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RAMJU OSHMAN KATIYA & ANR.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR A A ZABUAWALA(6823) for the Applicant(s) No. 1,2

MS ASMITA PATEL, LD.ADDL. PUBLIC PROSECUTOR for the

Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE VIMAL K. VYAS****Date : 23/01/2026****ORAL ORDER**

1. Learned advocate Mr.A.N.Pathan appears and submits that he has instructions to appear on behalf of the respondent no.2 – complainant. Registry shall accept his vakalatnama.

2. By way of preferring the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants- original accused seek to invoke the inherent powers of this Court, praying to quash and set-aside the First Information Report being C.R.No.A-11993014250375 of 2025 registered with the Dudhai Police Station, District: Kachchh-East-Gandhidham, for the offences punishable under Sections 115(2), 296(b), 351(3) and 54 of the Bharatiya Nyaya Sanhita, 2003, as well as all other consequential proceedings arising pursuant thereto.

3. Today, when the matter is called out, the complainant, who is personally present before this Court, has produced his identity proof as well as the affidavit, which are ordered to be taken on record. In the said

affidavit, the complainant has categorically stated that with the intervention of the friends, family members and community people, the dispute between her and the applicants- accused has been amicably resolved and there is no ill-will or any grievance amongst them. Therefore, he does not want to proceed further with the matter qua the present applicants.

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 advocate Mr.A.N.Pathan waives 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 as well as the proceedings of the criminal case may be quashed and set-aside.

7. The complainant, who is present in the Court, has categorically stated before this Court that he has no objection if the application is allowed and the impugned 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 of the original complainant, read thus :

“1. That I am the original complainant of the FIR being Crime Register No. 11993014250375 of 2025, registered with Dudhai Police Station, District Kachchh-East (Gandhidham) on 10.12.2025, for the offences punishable under Sections 115(2), 296(b), 351(3) and 54 of the Bharatiya Nyaya Sanhita, 2023, and I am well conversant with the facts and circumstances of the case.

2. That the aforesaid FIR came to be lodged by me due to misunderstanding, anger, and misconception, arising out of a dispute which was purely private in nature.

3. That subsequently, with the intervention of respected elders of the society, friends and family members, the dispute between myself and the petitioners has been amicably resolved and settled. Pursuant to such settlement, all disputes, allegations, grievances, and misunderstandings between the parties stand fully and finally resolved.

4. That I have voluntarily decided to withdraw all allegations and accusations made by me against the petitioners in the aforesaid FIR, and I hereby give my free, unconditional and voluntary consent for quashing and setting aside the said FIR and all consequential proceedings arising therefrom.

5. That I state with full consciousness and free will, without any pressure, coercion, threat or undue influence from any side whatsoever, that I have no objection if the present Criminal Miscellaneous Application filed by the petitioners is allowed by this Hon'ble Court.

6. *That the dispute relating to the property has also been amicably settled, and the property in question has already been sold to the other party/applicant. The entire sale consideration has been duly received by us, and no claim, right, title or interest survives thereafter. I therefore state that I do not have any surviving grievance of any nature whatsoever.*

7. *That I do not wish to pursue or continue any further proceedings in connection with the aforesaid FIR, as the matter has been settled amicably, and continuation of the criminal proceedings would serve no fruitful purpose.*

8. *That this affidavit is filed in the interest of justice, peace and harmony between the parties, and I respectfully pray that this Hon'ble Court may be pleased to quash and set aside the FIR being Crime Register No. 11993014250375 of 2025, registered with Dudhai Police Station, District Kachchh-East (Gandhidham), along with all consequential proceedings.*

9. *It is respectfully submitted that, I would not desirous to continues with the further proceeding in connection with the FIR being Crime Register No. 11993014250375 OF 2025 for the offences punishable under section 115(2), 296(b), 351(3) and 54 of Bharatiya Nayay Sanhita, 2023 on 10.12.2025 at Dudhai Police Station District Kachchh-East-Gandhidham as the dispute is amicable settled between us, in light of this fact I am giving free consent to quash and set aside the impugned FIR in interest of Justice."*

9. 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) and **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 as well as the criminal case 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 as well as the criminal case would amount to abuse of process of law. Hence, to secure the ends of justice, the impugned FIR as well as the criminal case and all other consequential proceedings are required to be quashed and set aside in exercise of the powers conferred under Section 528 of the of the Bharatiya Nagarik Suraksha Sanhita, 2023.

10. In the result, the application is allowed. The First Information Report being C.R.No.A- 11993014250375 of 2025 registered with the Dudhai Police Station, District: Kachchh-East-Gandhidham, for the offences punishable under Sections 115(2), 296(b), 351(3) and 54 of the Bharatiya Nyaya Sanhita, 2003, as well as all other consequential proceedings arising pursuant thereto are hereby ordered to be quashed and set-aside.

11. Rule made absolute. Direct service is permitted.

(VIMAL K. VYAS, J)

DIPTI PATEL

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: DIPTIBEN PIYUSH PATEL(HC00191), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 28/01/2026 13:59:00