

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 27399 of 2025**

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BALWANTKUMAR VISHNUBHAI @ BADSHAH PATEL

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR. ASHOK L. CHAUHAN(14049) for the Applicant(s) No. 1

MR. NILAY THAKOR(14166) for the Applicant(s) No. 1

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 advocate Mr.Parth B. Chauhan 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 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 First Information Report No.11216009250625 of 2025 registered with the Mansa Police Station, District - Gandhinagar, for the offences punishable under Sections 316(2) and 318(4) of the

Bharatiya Nyaya Sanhita, 2023, and 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 the dispute between him and the applicant-accused has been amicably 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 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 Mr.Manan Maheta waives service of notice of rule for and on behalf of the respondent no.1 - State and learned advocate Mr.Parth B. Chauhan waives service of notice of rule for and on behalf of the respondent no.2 - complainant.

6. The complainant, who is personally present before this Court, has categorically stated before this Court that the dispute has been amicably resolved between the parties and he has no objection if the application is allowed and the impugned FIR is quashed and set-aside.

7. The relevant paragraphs of the affidavit filed by the complainant – Jayantibhai Ramabhai Nayi, read thus :

“ 2. I say that I have gone through with this memo of application and I am fully conversant with the facts and circumstances of this case and therefore I am duly competent to execute this Affidavit. At the outset, I say that the facts stated in the memo of application are not disputed by me. I submit that I have no objection if this quashing application qua the Applicants is allowed by this Honorable Court.

3. I say that I have no cause to continue the complaint alleging any offences against the Applicants. I further say that the matter is settled and differences with the Applicants do not sustain in light of settlement. I state that I have lodged the said impugned FIR as the present applicant had taken amount of Rs. 45,00,000/- from the me so as to apply and obtain the visa for my son, daughter in law and granddaughter. However, he took that amount from me and had not returned that amount to me, nor had applied for the visa of any of my relatives and therefore FIR has been lodged against the applicant. I state that at this juncture I have settled with the present applicant in Rs. 30,00,000/- against the outstanding of Rs. 45,00,000/- which I have received from the present applicant. Further, the present applicant had handed over the custody of the original passports of my son, my daughter-in-law and my grand-daughter and the dispute is amicably settled between us and hence I do not wish to prosecute the present applicant anymore. It is further stated that there are no outstanding dues apart from the abovesaid amount and the dispute between us has come to an end by the present petition.

5. In the facts and circumstances as narrated above, I upon my free will, wish and desire stating on oath that I do not wish to prosecute the criminal proceedings with the present Applicants as the dispute and differences between us have been amicably settled and resolved peacefully. I state that this Criminal Misc. Application for quashing of complaint/impugned

FIR being No. 11216009250625 of 2025 registered on 06.10.2025 before the Mansa Police Station, District: Gandhinagar for the offences punishable under sections 316(2) & 318(4) of the Bharatiya Nyaya Sanhita, 2023 and other consequential proceedings, thereto, be allowed in the interest of justice qua the Applicant."

8. Thus, it appears from the aforesaid that to continue further with the proceedings pursuant to the impugned FIR would be a futile exercise and the same would amount to abuse of process of law.

9. 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 continuing further with the

proceedings pursuant to the impugned FIR would be a futile exercise and the same 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.

10. In the result, the application is allowed. The proceedings of the First Information Report No.11216009250625 of 2025 registered with the Mansa Police Station, District - Gandhinagar, for the offences punishable under Sections 316(2) and 318(4) of the Bharatiya Nyaya Sanhita, 2023, so also 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)

DEEPAK GEHLOT

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: DEEPAK GEHLOT(HC02361), ENGLISH STENO GRADE-II/, at High Court of Gujarat on 19/01/2026 11:20:47