

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO.
27496 of 2025**

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HARDIK RAGHAVBHAI SOLANKI

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR N P PANDYA(11241) for the Applicant(s) No. 1

MR.SHATRUGHN S SONI(17589) for the Respondent(s) No. 1

NOTICE SERVED 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 : 28/01/2026

ORAL ORDER

1. By way of preferring the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant-accused seeks to invoke the inherent powers of this Court, praying to quash and set-aside the First Information Report No. 11186001250383 of 2025 registered with the Gir Gadhada Police Station, District Gir Somnath, for the offences punishable under Sections 137(2), 87, 64(2)(M), 351(3) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 4, 6 and 10 of the Protection of Children from Sexual Offences Act, 2012, as well as the Charge-sheet and the proceedings of the POCSO Case No.12 of 2025 pending in the Court of the learned Additional Sessions Judge, Una, Gir Somnath, so also all other consequential proceedings arising pursuant thereto.

2. Though served, the complainant has chosen not to remain present before this Court. On the previous occasion, the complainant had personally remained present before this Court and had admitted the contents of the affidavit filed by her. The affidavit of the complainant is annexed as Annexure 'C' to the application. In the said affidavit, the complainant has categorically stated that with the intervention of the friends, family members and community people, the dispute between the parties has been amicably resolved and there is no ill-will or any grievance amongst them.

3. On 24.12.2025, this Court has passed the following order :-

"1. Learned advocate Mr.Shatrughn Soni has submitted that he has instructions to appear on behalf of the victim. He is permitted to file his appearance. Registry shall accept his vakalatnama.

2. Heard learned advocate Mr. N.P. Pandya appearing for the applicant and learned advocate Mr.Shatrughn Soni appearing for the victim and learned APP Ms.Asmita Patel appearing for the respondent No.1-State.

3. It is submitted that at the time of the alleged incident, the victim was aged about 17 years and 6 months, whereas the present applicant was aged about 21 years. It is further submitted that they got married on 14.11.2025, and the marriage has also been registered on 14.11.2025 before the Registrar of Marriages, Vadia Gram-Panchayat, Taluka-Kunkavav-Vadia, District - Amreli.

4. Today, the victim is personally present before the Court and has supported the contents of the affidavit and submitted that since they both are residing together happily, she has no objection if the complaint and the subsequent proceedings are

quashed and set aside.

5. Issue **NOTICE** to the respondents, making it returnable on 15.01.2026.

6. *Learned APP Ms.Asmiya Patel waives service of notice for and on behalf of the respondent no.1 - State of Gujarat. Learned advocate Mr.Shatrughn Soni waives service of notice for and on behalf of the victim."*

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. Asmiya Patel waives service of notice of rule for and on behalf of the respondent no.1 - State and learned advocate Mr. Shatrughn S. Soni waives service of notice of rule for and on behalf of the respondent no.2 - complainant.

6. Learned advocate for the applicant-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, who was personally present in the Court on the previous occasion, had categorically stated before this Court that she had married with the applicant and they are residing together peacefully and happily, and therefore, she has

no objection if the application is allowed and the FIR as well as the charge-sheet and the proceedings of the POCSO Case are quashed and set-aside. Thus, it appears from the aforesaid that sending the applicant-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, read thus :

“(1) I state on oath that I am original victim in the referred FIR being FIR No.11186001250383 of 2025 dated 11/05/2025 came to be registered with Gir Gadhada Police Station, Gir Somnath for the offences punishable under Sections 137(2), 87, 64(2)(M) and 351(3) of the Bharatiya Nyay Sanhita, 2023 and Sections 4, 6 and 10 of the Protection of Children from Sexual Offences Act, 2012, pursuant to which chargesheet has been filed and POCSO Case No.12 of 2025 is pending before the Ld. Additional Sessions Court, Una, District Gir Somnath.

(2) I further state that after registration of the aforesaid FIR and during the pendency of the proceedings, the present applicant and I have voluntarily solemnized marriage with each other on 14/11/2025 out of our free will, without any force, pressure, coercion or undue influence from any person whatsoever and we are now legally wedded husband and wife.

(3) I state on oath that after marriage, we are residing together peacefully and are leading a happy matrimonial life. I have no grievance or complaint of any nature whatsoever against the applicant arising out of the incident forming subject matter of the present FIR.

(4) I categorically state that I have no objection if this Hon'ble Court is pleased to quash and set aside the FIR No.11186001250383 of 2025 dated 11/05/2025 registered with Gir Gadhada Police Station, Gir Somnath and the proceedings arising therefrom, including POCSO Case No.12 of 2025 pending before the Ld. Additional Sessions Court, Una, District Gir Somnath.

(5) I further state that my consent for quashing of the aforesaid FIR and proceedings is given voluntarily, out of my own free will, without any threat, inducement, pressure or coercion from the applicant or from any other person.

(6) I state that continuation of the criminal proceedings would seriously affect my matrimonial life, peace, dignity and future, and therefore, in order to secure complete justice and to live peacefully with my husband, I am giving my consent for quashing of the present FIR and the proceedings arising therefrom."

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 further continuation of the criminal proceedings in relation to the impugned FIR as well as the charge-sheet and the POCSO Case against the applicant-accused would be nothing but unnecessary harassment to the applicant-accused. It further appears that the trial would be a futile exercise and continuing further with the proceedings pursuant to the impugned FIR as well as the charge-sheet and the POCSO Case

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 First Information Report No. 11186001250383 of 2025 registered with the Gir Gadhada Police Station, District Gir Somnath, for the offences punishable under Sections 137(2), 87, 64(2)(M), 351(3) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 4, 6 and 10 of the Protection of Children from Sexual Offences Act, 2012, as well as the Charge-sheet and the proceedings of the POCSO Case No.12 of 2025 pending in the Court of the learned Additional Sessions Judge, Una, Gir Somnath, so also all other consequential proceedings arising pursuant thereto are hereby ordered to be quashed and set-aside, qua the present applicant only.

11. Rule made absolute. Direct service is permitted.

AMAR SINGH

(VIMAL K. VYAS, J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AMAR SINGH(HC01081), PRIVATE SECRETARY, at High Court of Gujarat on 28/01/2026 18:40:29