

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO.
27570 of 2025**

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CHHOTUBHAI RAMUBHAI PATEL

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MS. KRUTI SHAH FOR MR JAY N SHAH(10668) for the Applicant(s) No. 1

MS. ASMITA PATEL, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE VIMAL K. VYAS****Date : 13/01/2026****ORAL ORDER**

1. Learned advocate Mr. Bhushan Oza appears and states that he has instructions to appear on behalf of the respondent No. 2 - complainant. Registry shall accept his 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 applicant-accused has prayed to quash and set aside the FIR being CR No. 11210050251450 of 2025 registered with the Rander Police Station, Surat, for the offences punishable under Sections 316(2) and 352 of the Bharatiya Nyaya Sanhita, 2023, as well as all other consequential proceedings arising out of the aforesaid FIR qua the applicant herein.

3. Today, when the matter is called out, the complainant is virtually present before this Court. He 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 he has received his dues and the dispute between the parties 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 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 Ms. Asmita Patel waives service of notice of the rule for and on behalf of the respondent No.1 State. Learned advocate Mr. Bhushan Oza waives service of notice of rule on behalf of the respondent No.2- complainant.

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

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

"3. It is submitted that the dispute between the parties is purely personal in nature relating to transfer of a vehicle, and the parties have amicably settled the matter in full. The applicant-accused has already paid an amount of Rs. 1,50,000/- to the complainant and has also deposited an amount of Rs. 2,50,000/- towards RTO tax, and in consequence of such settlement, the

complainant has voluntarily executed and put his signatures and handed over the RTO transfer form [TTO] as well as the NOC from the Bank and has expressly stated that he has no objection to quashing of the FIR and therefore, continuation of the criminal proceedings would amount to an abuse of the process of Court.

4. I say and submit that after lodging the impugned FIR, I realized the nature of hardships and inconvenience, socially and mentally, it will cause to both the sides, if the criminal proceedings continue and both the sides are subjected to rigors of criminal trial, it will immensely affect our future prospects of better life.

5. In the facts and circumstances as narrated above, I at my free will, wish and desire am stating on oath that I do not wish to prosecute the criminal proceedings against the applicant as the dispute between us has been amicably settled. I state that I am having no objection, in the event, this Hon'ble Court would quash the FIR No: 11210050251450/2025 qua the applicant registered with Rander Police Station, Sirat City for the offences punishable Under Sections 316 [2] and 352 of the Bharatiya Nyaya Sanhita-2023 and all proceedings arising therefrom, in the interest of justice.

What is stated hereinabove in paragraphs 1 to 5 are true to the best of my personal knowledge, information gathered from the record and belief and I believe the same to be true and correct."

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 applicant-accused would be an unnecessary harassment to the applicant-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 C.R. No. 11210050251450 of 2025 registered with the Rander Police Station, Surat, for the offences punishable under Sections 316(2) and 352 of the Bharatiya Nyaya Sanhita, 2023, as well as all other consequential proceedings arising out of the aforesaid FIR qua the applicant are hereby quashed and set aside.

10. Rule made absolute. Direct service is permitted.

(VIMAL K. VYAS, J)

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