

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO.
27571 of 2025**

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DIVYA SINGH D/O. ASHUTOSH SINGH & ANR.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR. TARAL B THAKER(14135) for the Applicant(s) No. 1,2

MR. R. A. THAKKAR(15967) 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 : 19/01/2026****ORAL ORDER**

1. 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. 11191048250276 of 2025 registered with the Sarkhej Police Station, Ahmedabad City, for the offences punishable under Sections 316(2), 308(7), 296(b), 351(2), 61(2)(a) of the Bharatiya Nyaya Sanhita, 2023, the charge sheet bearing No. 157 of 2025 and the Criminal Case No.45006 of 2025, pending before the learned Additional Civil Judge and Judicial Magistrate First Class, Ahmedabad, so also all other consequential proceedings arising pursuant thereto qua the applicants herein.

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

identity proof as well as affidavit, which are ordered to be taken on record. In the said affidavit, the complainant has categorically stated that the dispute between the parties has been resolved and there is no ill-will or any grievance amongst them.

3. 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.

4. 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. R.A. Thakkar waives service of notice of the rule for and on behalf of the respondent No.2- complainant.

5. 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.

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

"1. That I am the Complainant and at my instance FIR bearing no. 11191048250276 registered with the Sarkhej Police Station, Ahmedabad Rural dated 16.04.2025 for the offences as prescribed under Section 316(2), 308(7), 296(b), 351(2), 61(2)(a) of the Bhartiya Nyaya Sanhita,

2023 and therefore I am aware about the facts of the case and hence, I am competent to file this affidavit.

2. I say that now the said dispute has been resolved and after the intervention of my family members, I no longer want to prosecute the present petitioners.

3. I further say that the dispute of this offence is of private nature and therefore, public at large is not affected by the Offence, therefore, I voluntarily give my consent and without any force or coercion on me for the quashing of the said FIR/complaint dated 14.06.2025 along with the Charge-sheet Dated 27.11.2025

4. I further say that there remains no grievance between me and the present petitioners for the alleged offence and I no longer wish to prosecute the petitioners any further for the alleged incident and I voluntarily give my consent and without any force or coercion on me for the quashing of the said FIR/complaint along with the Charge-sheet.

5. I say and submit that as I have already settled the dispute amicably as Applicant No. 1 and I cohabited being spouse whereby the ornaments/articles amounting to Rs. 1,50,000/- which has been given to the applicant No. 1 is returned back to me whereby I have no objection/grievances qua the same. Moreover, there remains no grievances on my part qua the present applicants thus no longer want to prosecute the present applicant, therefore I voluntary give my consent to the quash and set aside the FIR and charge sheet on account of amicable settlement.

6. I say and submit that I do not wish to proceed with the criminal case and even thereafter, if the case is to proceed further the same would lead to shameful and embarrassing situation therefore, I would prefer not to step into witness box and to give evidence against the petitioners, neither I wish that the precious time of the Hon'ble court be wasted in a matter which has already been compromised and therefore, the impugned FIR along with the charge-sheet may kindly be quashed on the ground of settlement arrived at between me and the petitioners.

7. I say and submit that the FIR was filed by me therefore, I am filing this affidavit with my free will and consent and I would request that this application may kindly be allowed and the impugned FIR along with the Charge-sheet may be quashed and set aside."

7. 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.

8. In the result, the application is allowed. The FIR being CR. No. 11191048250276 of 2025 registered with the Sarkhej Police Station, Ahmedabad City, for the offences punishable under Sections 316(2), 308(7), 296(b), 351(2), 61(2)(a) of the Bharatiya Nyaya Sanhita, 2023, the charge sheet bearing No. 157 of 2025 and the Criminal Case No.45006 of 2025, pending before the learned Additional Civil Judge and Judicial Magistrate First Class, Ahmedabad, so also all other consequential proceedings arising pursuant thereto qua the applicants are hereby quashed and set aside.

9. Rule made absolute. Direct service is permitted.

(VIMAL K. VYAS, J)

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