

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO.
27554 of 2025**

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ASHOKBHAI GOVINDBHAI MAKWANA

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MALAY S PATEL(8901) 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 : 12/01/2026

ORAL ORDER

1. Learned advocate Mr. Kuldeep K. Jebaliya appears and submits that he has instructions to appear on behalf of the respondent no.2 - complainant. The 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 FIR No. 11193050250848 of 2025 registered with the Rajula Police

Station, District-Amreli, for the offences punishable under Sections 318(2), 316(2), 54 of the Bharatiya Nyaya Sanhita, 2023, as well as all other subsequent proceedings arising pursuant thereto.

3. Today, when the matter is called out, the complainant is personally present before this Court and he has produced his identity proof, which is ordered to be taken on record. In the affidavit filed by the complainant, he has categorically stated that the dispute has been amicably resolved with the present applicant 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 the 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 rule for and on behalf of the respondent No.1 - State. Learned advocate Mr. Kuldeep K. Jebaliya waives service of notice of rule for and on behalf of the respondent No.2 - Complainant.

6. The complainant, who is personally present before the Court has stated that the matter has been amicably resolved between the parties and he has no objection if the FIR is quashed qua the present applicant. Thus, sending the applicant-accused to face the trial would be a futile exercise.

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

“2. I say and submit I and the present applicant both were working together at 108 ambulance and pursuant to that relation we both are known to each other more than decade and considering the role of the applicant he only introduced me with other accused person just to help me and considering the

relation and role and considering that he is not an beneficiary of this transaction, I having no objection if the present criminal proceedings may come to end in the interest of justice and hence now the dispute is settled between us, and under the haste and misunderstanding, the present FIR was lodged by me against the applicant and as we having relation and also with the help of the caste people and family and friend the dispute between us is resolved and we are knowing each other from long period and before lodging the FIR.

3. I say and submit in the present application; the present appellant herein has prayed for Quashing and set aside of FIR and further case proceedings. I do not have any objection, if this Hon'ble court may be pleased to grant relief as prayed in the application. Therefore, I have no objection if the Hon'ble court may allow present application and quash and set aside the FIR and the further case proceedings arise out of FIR. I am filing the present affidavit on my own free will and consent without any threat or coercion.”

8. The relevant paras of the affidavit filed by the victims read thus :

“1. I say and submit that I am the eye-witness in connection with a FIR registered as (CR) FIR No. 11193050250848 of 2025 before Rajula Police Station, Amreli for the offence punishable under Section 318(2), 316(2), 54 of the Bharatiya Nyan Sanhita. I am aware about the facts and the circumstances of the present case and therefore, I am filing the present affidavit as under.

2. I say and submit that I and the present applicant both were known to each other since long and considering the past relation and role, I having no objection if the present criminal proceedings may come to end qua the present applicant in the

interest of justice and hence, now the dispute is settled between the complainant and the present petitioner, and as we having relation and also with the help of the caste people and family and friend the dispute is resolved and we are knowing each other from long period and before lodging the FIR.

3. I say and submit that in the present application; the present appellant herein has prayed for Quashing and set aside of FIR and further case proceedings. I do not have any objection, if this Hon'ble court may be pleased to grant relief as prayed in the application. Therefore, I have no objection if the Hon'ble court may allow present application and quash and set aside the FIR and the further case proceedings arise out of FIR qua the present applicant. I am filing the present affidavit on my own free will and consent without any threat or coercion.”

9. Having heard learned counsel appearing for the respective parties as well as considering the facts and circumstances arising out of the present application, so 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.

10. In the result, the application is allowed qua the present applicant. The FIR No. 11193050250848 of 2025 registered with the Rajula Police Station, District-Amreli, for the offences punishable under Sections 318(2), 316(2), 54 of the Bharatiya Nyaya Sanhita, 2023, as well as all other subsequent

proceedings arising pursuant thereto are hereby ordered to be quashed and set aside qua the present applicant.

11. Rule made absolute. Direct service is permitted.

(VIMAL K. VYAS, J)

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