

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 21291 of 2022**

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TEJ NILESHKUMAR DOSHI

Versus

STATE OF GUJARAT

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Appearance:

KAIVAN M DASTOOR(9322) for the Applicant(s) No. 1

for the Respondent(s) No. 2

MR. BHARGAV PANDYA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA**Date : 30/11/2022****ORAL ORDER**

[1] By way of this application under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “the Code”), the applicant has prayed for quashing and setting aside F.I.R. bearing C.R.No.11191067210046 of 2021 registered with Cyber Crime Police Station, Ahmedabad City for the offences punishable under Sections 354-D of the Indian Penal Code and u/s. 66-C of the Information Technology Act and to quash all other consequential proceedings arising out of the aforesaid FIR qua the applicant.

[2] Heard Mr. K.M.Dastoor learned advocate for the applicant and Mr. Chintan Desai, learned advocate for the respondent No.2 – complainant. Mr. Chintan Desai, learned advocate is permitted to file his Vakalatnama for respondent No.2.

[3] Both the learned advocates would submit that during the pendency of present petition, the matter is amicably settled amongst the parties and therefore, any further continuation of the proceedings pursuant to the impugned FIR would create hardship to the parties and further continuation of the proceedings would amount to abuse of process of law.

[4] Learned APP has opposed the application and submitted that looking to averments made in the FIR, complaint may not be quashed.

[5] The complainant – respondent No.2 – Mukeshbhai Mathurbhai Patel is personally present before the Court today and is identified by his learned advocate. Learned advocate for the complainant confirmed about the settlement having been taken place and also confirmed the affidavit filed by the complainant. The said affidavit *inter alia* states the fact that the matter is amicably settled between the parties.

[6] Having heard the learned counsel for the parties and considering the facts of settlement and law laid down by the Apex Court [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)], this Court is of the considered view that further continuation of the criminal proceedings in relation to the impugned FIR would nothing but unnecessary harassment to the parties and trial thereon would be futile and further continuation of the proceedings would amount to abuse of process of law. Thus, to secure the ends of justice, the impugned FIR is required to be quashed and set aside in exercise of powers conferred under Section 482 of the Code.

[7] Resultantly, this application is allowed and the impugned F.I.R. bearing C.R.No.11191067210046 of 2021 registered with Cyber Crime Police Station, Ahmedabad City filed against present applicant is hereby quashed and set aside and all other proceedings arising out of the aforesaid FIR are also quashed and set aside.

Direct service permitted.

BEENA SHAH

(ILESH J. VORA,J)