

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION (DOMESTIC VIOLENCE) NO.
13433 of 2022

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BALDEVBHAI PRAHLADBHAI PATEL

Versus
STATE OF GUJARAT

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Appearance:

MR. KALRAV R PATEL(7041) for the Applicant(s) No. 1,2,3,4

MS. NILI K PATEL(7043) for the Applicant(s) No. 1,2,3,4
for the Respondent(s) No. 2,3,4

MS.P J.JOSHI(3888) for the Respondent(s) No. 2

MS CM SHAH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA

Date : 16/02/2024

ORAL ORDER

1. Heard learned advocates for the respective parties.
2. Considering the issue involved in the present application and with consent of the learned advocates appearing for the respective parties as well as considering the fact that the dispute amongst the applicants and respondent No.2 has been resolved amicably, this matter is taken up for final disposal forthwith.
3. By way of this application under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "the Code"), the applicants have prayed for quashing and setting aside proceedings of Domestic Violence Case No.806 of 2022 pending

before the learned Chief Judicial Magistrate Court, Gandhinagara as well as other consequential proceedings arising thereto.

4. Learned counsel for the respective parties submitted that during pendency of the criminal proceedings, as referred to above, the parties have amicably settled their issue by way of mutual settlement and pursuant to understanding arrived at between them, respondent No.2 has accordingly filed an affidavit, which is on record. The complainant has categorically stated in the affidavit that the dispute is resolved between them and she has no objections if the present proceedings are quashed and there is no surviving grievance between them.

5. Having heard the learned counsel for the respective parties, considering the facts and circumstances arising out of the present applications as well as 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)**, it appears that further continuation of criminal proceedings in relation to the impugned FIR against the applicants would be unnecessary harassment to the applicants. It appears that the trial would be futile and further continuance of the proceedings pursuant to the impugned FIR would amount to abuse of process of law and Court and hence, to secure the ends of justice, the impugned FIR and other consequential proceedings are required to be quashed and set aside in exercise of powers conferred under Section 482 of the Code.

6. Resultantly, this application is **allowed**. The proceedings of Domestic Violence Case No.806 of 2022 pending before the learned Chief Judicial Magistrate Court, Gandhinagara as well as other consequential proceedings arising thereto are hereby quashed and set aside qua the applicants herein. Accordingly, Rule is made absolute. Direct service is permitted.

Rakesh

(ILESH J. VORA,J)