

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 17665 of 2022**

BALDEVBHAI SAVJIBHAI SOLANKI
Versus
STATE OF GUJARAT

Appearance:

MR.HITENDRA D RAJPUT(7224) for the Applicant(s) No. 1,2
MR.PRADYUMAN GOHIL(7237) for the Applicant(s) No. 1,2
DS AFF.NOT FILED (R) for the Respondent(s) No. 2,3
MS CM SHAH, APP for the Respondent(s) No. 1

CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA

Date : 09/01/2024

ORAL ORDER

1. Mr. Bhargav Dangar, learned advocate states that he has instructions to appear for and on behalf of respondent no.2 and he will file his Vakalatnama in the Registry. Registry is directed to accept the same.

2. 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 **F.I.R. bearing C.R.No.11191016220222 of 2022 registered with Paldi Police Station, Dist.- Ahmedabad** for the offences punishable under Sections 376(2)(n), 354D and 114 of the Indian Penal Code and to quash all other consequential proceedings arising out of the aforesaid FIR qua the applicants.

3. Heard learned advocate for the applicant and learned advocate for the respondent no.2 – complainant.
4. 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.
5. Learned APP has opposed the application and submitted that looking to averments made in the FIR, complaint may not be quashed.
6. The complainant – respondent No. 2 has filed affidavit stating *inter-alia* the fact that the matter is amicably settled with the applicant. The private respondent no.2 has confirmed the fact of settlement and contents of the affidavit in support of the petition.
7. 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.

8. Resultantly, this application is allowed and the impugned **F.I.R. bearing C.R.No.11191016220222 of 2022 registered with Paldi Police Station, Dist.- Ahmedabad** 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.

(ILESH J. VORA,J)

Rakesh