

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
CRIMINAL MISC.APPLICATION No. 14448 of 2007

For Approval and Signature:

HONOURABLE MS.JUSTICE H.N.DEVANI

=====

1 Whether Reporters of Local Papers may be
allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the
fair copy of the judgment ?

4 Whether this case involves a substantial
question of law as to the interpretation
of the constitution of India, 1950 or any
order made thereunder ?

5 Whether it is to be circulated to the
civil judge ?

=====

VIRALGIRI VILASGIRI GOSWAMI
Versus
STATE OF GUJARAT & ANR

=====

Appearance :

MR PJ YAGNIK for Applicant:1

MR I M PANDYA APP for Respondent:1

MR ANSHIN H DESAI for Respondent:2

=====

CORAM : HONOURABLE MS.JUSTICE H.N.DEVANI

Date : 31/01/2008

ORAL JUDGMENT

1. **RULE.** Mr I.M.Pandya, learned Additional Prosecutor
waives service of notice of Rule on behalf of

respondent No.1-State of Gujarat and Mr.Anshin Desai, learned advocate waives service of notice of Rule on behalf of respondent No.2.

2. Having regard to the facts of the case, with consent of the learned advocates for the parties, the matter is taken up for final hearing today.
3. By this application under Section 482 of the Code of Criminal Procedure, 1973, ('the Code', for short), the applicant seeks quashing of the complaint being Bavla Police Station C.R.No-I.125 of 2007.
4. The facts of the case stated briefly are that the respondent No.2 herein had lodged the aforesaid first information report against the present petitioner alleging commission of the offence punishable under Section 380 of the Indian Penal Code. The petitioner herein is the son-in-law of the respondent No.2 and the allegation is that he had taken away certain documents which were in the custody of the complainant.
5. Pursuant to issuance of Notice in the matter,

Mr. Anshin Desai learned advocate had appeared on behalf of the respondent No.2 and had submitted that he had filed an application seeking release of the muddamal enumerated in Panchnama dated 20th June, 2007 which was seized in connection with the first information report in question. Whereupon the learned advocate for the applicant had stated that the applicant would give his consent for releasing the muddamal in favour of the respondent No.2. The learned advocate for respondent No.2 had stated that upon such application being decided by the learned Judicial Magistrate First Class, Dholka the respondent No.2 would give his consent for quashing the first information report in question. The matter had, therefore, been adjourned and has come up for hearing today.

6. Today, both the learned advocates for the parties have stated that the application for muddamal filed by the respondent No.2 has been decided and that the applicant had submitted a *Pursis* in those proceedings stating that he had no objection if the muddamal is released in favour of respondent No.2.

7. In the facts and circumstances of the case,

since it was agreed between the parties that upon the applicant giving his consent for release of the muddamal in favour of respondent No.2, the respondent No.2 would give his consent for quashing the first information report, the first information report is required to be quashed.

8. In any case, the dispute in question being a marital dispute, it would be in the interest of the parties if the criminal proceedings initiated by the respondent No.2 are set at rest more so looking to the nature of the complaint, so as to enable the parties to settle down and move ahead in life. This is, therefore, a fit case for exercise of powers under Section 482 of the Code.

9. For the foregoing reasons, the application succeeds and is, accordingly allowed. The First Information Report being Bavla Police Station, I.C.R.No.125/2007 is hereby quashed. Rule is made absolute.

(H.N.DEVANI, J.)

Amit/-