

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**  
**CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE**  
**FIR/ORDER) NO. 12283 of 2013**

**FOR APPROVAL AND SIGNATURE:**

**HONOURABLE MR.JUSTICE S.R.BRAHMBHATT**

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- 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 ?
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PRAKASHBHAI HASANJI DESAI & 1....Applicants  
 Versus  
 STATE OF GUJARAT & 1....Respondents

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Appearance:

MR HARDIK A DAVE, ADVOCATE for the Applicants No. 1 - 2  
 MS ARCHANA C.RAVAL APP for the Respondent No. 1

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**CORAM: HONOURABLE MR.JUSTICE S.R.BRAHMBHATT**

**Date : 31/07/2013**

**ORAL JUDGMENT**

1. Leave to amend.
2. Rule. Rule is waived by learned advocates appearing for the respective parties and is fixed forthwith.

3. Heard learned advocates appearing for the parties and learned APP on advance copy.

4. The petitioners have taken out this petition invoking provision of Section 482 of the Criminal Procedure Code for quashing the complaint being C.R. No. I-70/2013 lodged with Jalalpor Police Station, District – Navsari for the offences punishable under sections 406, 420, 465, 467, 468, 471, 504 and 506(2) of Indian Penal Code.

5. Learned advocate for the petitioners invited this Court's attention to the fact that this petition is filed only after arriving at a compromise and settlement between the parties and dispute is settled. The dispute is essentially of a private nature and, therefore, the settlement was possible. Learned advocate Mr. Pavan Barot appears on advance copy on behalf of the respondent no.2-complainant and submits that affidavit of complainant-respondent no.2 is annexed at page no.11. The complainant is present in the Court and identified by Shri Barot advocate for the complainant, who also concurs in whatever is being submitted on behalf of the parties' counsel. In view of this, learned advocates for the parties have requested this Court to dispose of the matter and the complaint may be quashed.

6. Learned APP Ms. Raval was requested to inquire from the complainant and she also submitted that the complainant is agreed to settle the dispute.

7. Learned advocate for the petitioners has relied upon the decision of the Apex Court in case of **Gian Singh Vs.**

***State of Punjab and another***, reported in ***(2012) 10 SCC 303***, and another decision in case of ***Jay Rajsinh Digvijaysinh Rana Vs. State of Gujarat & Anr***, reported in ***GLR 2013 (1) pg. 65***, as well as the observations of this Court in case of ***Rajbha Babhbha @ Rajendrasinh Annirudhsinh Sarvaiya & Ors***, in Criminal Misc. Application No. 260/2013 decided on 21/2/2013; submitted that in light of the observations in these judgments the FIR in question deserves to be quashed.

8. In view of this situation and in view of the fact and looking to the averments in FIR and affidavit of the complainant if are considered in light of the observations of the Apex Court in case of Gian Singh (supra) and Jay Rajsinh (supra) and the observations of this Court in Criminal Misc. Application No. 260/2013, then, there exists no further scope of any other investigation in the matter, as it would amount to creating consternation to the parties for no reason and in light of this development conviction is not even remotely plausible.

9. Further in light of the above observations when the offence is predominantly in arena of private dispute and when there is no harm to person and property, continuation of the proceedings would create consternation and would be counter productive of justice. The Court shall strive to perpetuate a situation where peace is prevailed rather than creating consternation of feuds between the parties.

10. In view of this, the FIR being C.R. No. I-70/2013 lodged with Jalalpor Police Station, District – Navsari, is hereby quashed along with the subsequent proceedings arising there from. The petition is allowed.

Direct service permitted.

Pankaj

**(S.R.BRAHMBHATT, J.)**