

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER)
NO. 4356 of 2014****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR.JUSTICE G.R.UDHWANI****Sd/-**

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?	No
2	To be referred to the Reporter or not ?	No
3	Whether their Lordships wish to see the fair copy of the judgment ?	No
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 ?	No
5	Whether it is to be circulated to the civil judge ?	No

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HAREKRISHNABHAI RATILALABHAI LAKHANI & 5....Applicant(s)

Versus

STATE OF GUJARAT & 1....Respondent(s)

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Appearance:

JAGAT V PATEL, ADVOCATE for the Applicant(s) No. 1 - 6

MR HARDIK A DAVE, ADVOCATE for the Applicant(s) No. 1 - 6

MR PAWAN A BAROT, ADVOCATE for the Respondent(s) No. 2

MR.L.B.DABHI, APP for the Respondent No. 1

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CORAM: HONOURABLE MR.JUSTICE G.R.UDHWANI**Date : 31/03/2014****ORAL JUDGMENT**

1. Learned counsel Mr.Pawan A.Barot states that he has instructions to appear for respondent No.2-complainant and undertakes to file the vakalatnama of respondent No.2. Permission is granted.

2. **RULE.** Learned counsel for the respondents waive service. Considering the short dispute and settlement between the petitioners and the respondent No.2, by consent the matter is heard today.

3. Matrimonial dispute gave rise to registration of FIR being C.R.No.I-307 of 2013 dated 28.11.2013 alleging offences punishable under Sections 498 A, 323, 506(2), 114 of the Indian Penal Code and under Sections 3 and 4 of Dowry Prohibition Act. Affidavit is filed by the informant confirming the settlement.

4. Learned counsel appearing for the parties have identified their respective clients and stated that the matter is settled between the petitioners and the respondent No.2 for which the respondent No.2 – complainant has filed affidavit. The same is ordered to be taken on record. Learned counsel for the petitioner and second respondent state that no interest of any third party not being the party to the petition or victim or witness in the criminal case herein is adversely affected by this settlement. Learned counsel appearing for the respective parties would urge this Court to quash the FIR.

5. Learned APP while vehemently opposing the quashing of the FIR would contend that the offences alleged against the petitioners are serious in nature and would require trial.

6. The dispute predominantly appears to be of private character and in view of **Gian Singh Vs. State of Punjab and Another [(2012) 10 SCC 303]**, such dispute, even if not compoundable, can be compounded under Section 482 of the Code of Criminal Procedure, 1973. Therefore, the argument made by learned APP cannot be countenanced for the simple reason that when the dispute is predominantly of a private character and the complainant having decided against supporting the prosecution case, no useful purpose would be served in allowing the trial, which may cause wastage of public time, money and energy.

7. Under the circumstances, the complaint and all other

connected proceedings are quashed. Rule is made absolute with no order as to costs. Direct Service is permitted.

Sd/-
(G.R.UDHWANI, J.)

dharmendra