

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 12191 of 2015****FOR APPROVAL AND SIGNATURE:****HONOURABLE SMT. JUSTICE ABHILASHA KUMARI**

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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 or any order made thereunder ?	

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VIJAYBHAI KANTIBHAI KALOLA & 3....Applicant(s)

Versus

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

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Appearance:

MR P B KHANDHERIA, ADVOCATE for the Applicant(s) No. 1 - 4

MR YJ PATEL FOR MR PAWAN A BAROT, ADVOCATE for the Respondent(s)
No. 2MR LB DABHI, LEARNED ADDITIONAL PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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**CORAM: HONOURABLE SMT. JUSTICE ABHILASHA
KUMARI****Date : 30/06/2015****ORAL JUDGMENT**

1. Rule. Mr.L.B.Dabhi, learned Additional Public Prosecutor, waives service of notice of Rule for respondent No.1. It is submitted by Mr.Y.J. Patel, learned advocate that Mr.Pawan A. Barot, learned advocate, has filed his Vakalatnama on behalf of respondent No.2, in the Registry. He waives service of notice of Rule on behalf of the said respondent. Considering the facts and circumstances in which the matter arises, it is being heard and decided finally, at this stage, with the consent of the learned counsel for the respective parties.

2. This application under Section 482 of the Code of Criminal Procedure, 1973 ("the Code" for short) has been preferred with a prayer to quash and set aside the FIR being C.R. No.I-46 of 2015 registered with 'A' Division Police Station, Rajkot City, dated 20.02.2015 for offences punishable under Sections 323, 504 and 114 of the Indian Penal Code and Sections 37(1) and 135 of the Gujarat Police Act.

3. The case of the prosecution is that the

complainant has having relation with the niece of applicant No.1. The said relation was disliked by the family members of applicant No.1. On 20.02.2015, the complainant was called upon by applicant No.2 and was beaten up. He was forced to discontinue the relation with the girl and, therefore, the said incident occurred, regarding which the FIR has been registered.

4. Before this Court, it is the case of the applicants that the matter has now been amicably resolved between the parties as is clear from the affidavit filed by respondent No.2- complainant wherein it is stated that he no longer has any grievance against the applicants and has no objection to the quashing of the FIR and the resultant proceedings.

5. Mr.P.B. Khanderia, learned advocate for the applicants, has submitted that in view of the settlement arrived at between the parties and as respondent No.2 is no longer desirous of continuing with the criminal proceedings, the FIR in question may be quashed and set aside.

6. In support of his submissions, learned advocate for the applicants has placed reliance upon the judgments of the Supreme Court in the cases of **Madan Mohan Abbot v. State of Punjab** reported in (2008)4 582 and **Gian Singh v. State of Punjab And Another** reported in (2012)10 SCC 303.

7. Mr.L.B. Dabhi, learned Additional Public Prosecutor for respondent No.1, has objected to the prayer made by the applicant and respondent No.2 and submits that the law may be permitted to run its own course.

8. Mr.Y.J. Patel, learned advocate for Mr.Pawan A. Barot, learned advocate respondent No.2- complainant has reiterated the stand taken by respondent No.2 in the affidavit filed by him by submitting that pursuant to the filing of the FIR, the matter has been settled with the intervention of respective members of society and mutual agreement has been arrived at between respondent No.2 and the applicants. No grievance survives between the parties and, therefore, the

prayers made in the application may be granted.

9. The complainant is present in-person before this Court and has been identified by the learned advocate for respondent No.2-Complainant. He has endorsed the stand taken by him in the affidavit.

10. This Court has heard learned counsel for the respective parties and perused the averments made in the application as well as the contents of the affidavit.

11. In ***Madan Mohan Abbot v. State of Punjab (supra)***, the Supreme Court has held that it is advisable that in disputes where the question involved is of a purely personal nature, the courts should ordinarily accept the terms of compromise even in criminal proceedings, since keeping the matter alive, with no possibility of a result in favour of the prosecution, is a luxury which the courts, grossly overburdened as they are, cannot afford. The time so saved can be utilised in deciding more effective and meaningful litigation.

12. This position of law has been reiterated in a

more recent judgment of the Supreme Court in the case of **Gian Singh v. State of Punjab And Another (supra)**.

13. In view of settlement between the parties and considering the principles of law enunciated by the Supreme Court in **Madan Mohan Abbot v. State of Punjab (supra)** and **Gian Singh v. State of Punjab And Another (supra)**, the following order is passed:

The complaint, being C.R. No.I-46 of 2015 registered with 'A' Division Police Station, Rajkot City, on 20.02.2015, for offences punishable under Sections 323, 504 and 114 of the Indian Penal Code and Sections 37(1) and 135 of the Gujarat Police Act and the resultant proceedings, are hereby quashed and set aside.

14. The application is allowed in the above terms. Rule is made absolute, accordingly.

Direct Service is permitted.

(SMT. ABHILASHA KUMARI, J.)

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