

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

R/CRIMINAL MISC.APPLICATION NO. 1746 of 2019

**With****R/CRIMINAL MISC.APPLICATION NO. 1747 of 2019****With****R/CRIMINAL MISC.APPLICATION NO. 1748 of 2019**

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DHARAMVIR NILKANTHBHAI GOSAI

Versus

MINABEN W/O BHARATBHAI BECAHRBHAI SOLANKI

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Appearance:

MR RJ GOSWAMI(1102) for the PETITIONER(s) No. 1

for the RESPONDENT(s) No. 1

MR MANAN MEHTA, APP for the RESPONDENT(s) No. 2

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CORAM: **HONOURABLE MS JUSTICE SONIA GOKANI****Date : 31/01/2019****ORAL ORDER**

1. Rule. Learned APP waives service of rule for the respondent-State.

2. Seeking quashment of the FIR, under Section 482 of the Code of Criminal Procedure, 1973, being **C.R. No. II – 3019 OF 2019** registered with **Vejalpur Police Station, District: Ahmedabad** for the commission of offence punishable under Sections 323, 294(b), 506(1), 114 **etc.** of the Indian Penal Code and under Sections 3(1)(r) and 3(2) (5-a) of the Scheduled Castes and Scheduled Tribes (Prevention

of Atrocities) Act as well as **C.R. No. II – 3018 OF 2019** registered with **Vejalpur Police Station, District: Ahmedabad**, for the commission of offence punishable under Sections 323, 427 294(b), 506(1), 114 **etc.** of the Indian Penal Code, the cross complaints have been filed by the applicants against each other.

3. The Original complainant in all the matters are present before this Court. They respectively stated that the amicable settlement has been arrived at between the parties due to intervention of the members of the society and common friends. They have confirmed the contents of the affidavits, they do not desire to pursue with the complainants in all respective matters.

4. Parties are present before this Court and it is confirmed from each of them that there was no serious injury cause to anyone nor is any serious damage caused to the original complainant-respondent No.2. This Court has also

confirmed through the I0, who is present, as to whether, he has any objection to this Court acceding to their request.

5. Considering the chronology of events and also noticing about the disputes has arisen in relation to the flat. Parties have chosen to end the dispute amicably. This Court deems it fit acceded to the request of the applicants.

6. Bearing in mind the disputes and considering the amicable settlement as none of the applicants has got any criminal antecedents they were ended their disputes. They have also tendered their affidavits stating therein that they do not have any longer any grievance and therefore the impugned FIR being Quashed.

7. Having thus heard both the sides, it would be profitable to refer to the observations made by the Hon'ble Apex Court in the case of '**GIAN SINGH VS. STATE OF PUNJAB AND ANR.**', (2012) 10 SCC 303, wherein, at Paragraph-61, the Apex

Court observed as under;

*“61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under [Section 320](#) of the Code.*

*Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz;*

*(i) to secure the ends of justice or  
(ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot*

provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

8. In the result, both the applications are allowed for the parties having settled the disputes due to intervention of family and friends, for a lasting peace and the case since is falling in the criteria set out in the above-mentioned decision. Accordingly, the impugned FIRs being **C.R. No. II – 3019 OF 2019 registered with Vejalpur Police Station, District: Ahmedabad as well as C.R. No. II – 3018 OF 2019 registered with Vejalpur Police Station, District: Ahmedabad, are *QUASHED*** with all consequential proceedings.

Copy of the orders shall be given to the Investigating Officer concerned by the applicants.

Rule is made absolute, accordingly.  
Direct service is permitted.

**(SONIA GOKANI, J)**

KUMAR ALOK