

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 22081 of 2019**

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RAMCHANDRA SWAMIDAS GAJARIA

Versus

STATE OF GUJARAT

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Appearance:

KARAN Y VYAS(8539) for the Applicant(s) No. 1,2,3,4

for the Respondent(s) No. 2,3

MS KRINA CALLA APP (2) for the Respondent(s) No. 1

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CORAM: HONOURABLE MR.JUSTICE S.H.VORA**Date : 29/11/2019****ORAL ORDER**

1. Learned advocate Mr.Tanmay Karia states at bar that he has instructions to appear for respondent No.3 – complainant and seeks permission to file appearance. Permission is accordingly granted.

2. Learned advocate Mr.Tanmay Karia confirms identity of Respondent No.3, who is present before the Court and admits genuineness and correctness of affidavit filed through learned advocate Mr.Tanmay Karia, which is ordered to be taken on record.

3. **Rule.** Learned A.P.P. and learned advocate Mr.Tanmay Karia waive service of Rule for respondent Nos.1, 2 and 3 respectively. The learned A.P.P. objects quashment of the present proceedings on the premise of settlement.

4. With the consent of learned advocate for the applicants and learned advocate for respondents, present application is taken up for final disposal today.

5. By way of the present application under Section 482 of the Code of Criminal Procedure, 1973 (for short, the 'Code'), the applicants pray for quashing and setting aside the F.I.R. being C.R.No.I-11 of 2004 registered with Maninagar police station, Ahmedabad for the offence punishable under Sections 498(A) , 323 and 114 of the Indian Penal Code and Section 3 of the Dowry Prohibition Act.

6. Learned advocate for the applicants has taken this Court through the factual matrix arising out of the present application.

7. At the outset, it is submitted that the parties have amicably resolved the dispute. In support of such submission made at bar by the learned advocates appearing for the respective parties, they have placed on record affidavit of settlement of dispute duly signed by the respondent No.3 – original complainant, who is present before the Court.

8. Since now, the dispute with reference to the impugned F.I.R. is settled and resolved by and between parties which is confirmed by the original complainant through her learned advocate, the trial would be futile and any further continuation of proceedings would amount to abuse of process of law. Therefore, the impugned F.I.R. is required to be quashed and set aside.

9. Resultantly, this application is allowed. Impugned F.I.R. being C.R.No.I-11 of 2004 registered with Maninagar police station, Ahmedabad as well as Criminal Case No.1755 of 2004 pending before the Additional Chief Metropolitan Magistrate, Ahmedabad against the present applicants are hereby quashed and set aside. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(S.H.VORA, J)

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