

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION NO. 19410 of 2019****With****R/CRIMINAL MISC.APPLICATION NO. 21738 of 2019**

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KAUSHAL PARESHBHAI KHAMAR

Versus

STATE OF GUJARAT

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Appearance:

SUNILKUMAR N PUNJANI(8845) for the Applicant(s) No. 1,2

NOTICE NOT RECD BACK(3) for the Respondent(s) No. 2

MR MITESH AMIN PUBLIC PROSECUTOR(2) for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR.JUSTICE S.H.VORA****Date : 31/01/2020****ORAL ORDER**

[1] Learned advocate Mr. NL Barot, states that he has instructions to appear for respondent No.2 – complainant. Learned advocate for respondent complainant is permitted to file appearance.

[2] Learned advocate Mr. NL Barot confirms identity of respondent No.2 – original complainant, who is present in the Court and admits correctness and genuineness of the affidavit filed by the complainant through learned advocate Mr. NL Barot, which is produced before this Court and the same is ordered to be taken on record.

[3] Rule. Learned P.P. and learned advocate Mr. NL Barot waive service of Rule for respondent Nos.1 and 2 respectively. Learned PP objects quashment of present proceedings on the

premise of settlement.

[4] With the consent of learned advocate for the applicants and learned advocate for the respondents, present applications are taken up for final disposal today. The parties are present before the Court alongwith their respective learned advocates.

[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-83 of 2019 registered with Kalol City Police Station for the offence punishable under Sections 498(k), 114, 323, 504, 114, 506(2) of the Indian Penal Code and u/s 3 and 4 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.2 – 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 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, the applications are allowed. Impugned F.I.R. being C.R.No.I-83 of 2019 registered with Kalol City Police Station and all other consequential proceedings arising out of the impugned FIR against the present applicants is hereby quashed and set aside. Rule is made absolute to the aforesaid extent. Direct service is permitted.

**(S.H.VORA, J)**

SHEKHAR P. BARVE