

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC. APPLICATION NO. 9771 of 2021****SALMANKHAN MUNNAVERKHAN PATHAN****Versus****STATE OF GUJARAT****Appearance:****MR SUMIT B SIKARWAR(5991) for the Applicant(s) No. 1,2,3,4,5,6,7****MR MM PATHAN, for the Respondent(s) No. 2****MR RONAK RAVAL, APP(2) for the Respondent(s) No. 1****CORAM:HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI****Date : 30/06/2021****ORAL ORDER**

1. With the consent of learned advocates appearing for the parties, present application is taken up for final disposal today.
2. Learned advocate Mr.M.M. Pathan states that he has received instructions to appear on behalf of respondent No.2 – original first informant. He is permitted to file his Vakalatnama in the Registry. Registry to accept the same.
3. Rule. Learned APP Mr. Ronak Raval for respondent no.1 and learned advocate, Mr.M.M. pathan for respondent no.2 waive service of notice of Rule.
4. 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 FIR being C.R.No.11191028201807 of 2020 registered with Vejalpur Police Station, District Ahmedabad City, for the offence punishable under Sections 498A, 323, 294(b), 506(2) and 114 of the Indian Penal Code and Sections 3 and 7 of the Dowry

Prohibition Act.

5. Heard learned advocate, Mr. Sumit B. Sikarwar for the applicants, learned APP Mr. Ronak Raval for respondent no.1 and learned advocate, Mr. M.M. Pathan for respondent no.2. I have also heard the respondent no.2 – first informant through Video Conferencing, who is present in the office of learned advocate Mr.Pathan and upon making inquiry, the respondent no.2 admits correctness and genuineness of the affidavit filed by her, a copy of which is tendered and the same is placed on record. Learned advocate, Mr.M.M. Pathan identifies respondent no.2 and confirms correctness and genuineness of the affidavit filed by her.
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 – first informant.
8. Since now, the dispute with reference to the impugned FIR is settled and resolved by and between parties, which is confirmed by the original first informant 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 FIR is required to be quashed and set aside, qua the applicants.

9. Resultantly, this application is allowed. The impugned FIR being C.R.No.11191028201807 of 2020 registered with Vejalpur Police Station, District Ahmedabad City and Criminal Case No.8389 of 2021 pending before the learned Judicial Magistrate, First Class, Ahmedabad and all other consequential proceedings arising out of said FIR are hereby quashed and set aside, qua the applicants.
10. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(VIPUL M. PANCHOLI, J)

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