

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 1055 of 2022

=====

SAGAR SANJAYKUMAR CHOKSHI

Versus

STATE OF GUJARAT

=====

Appearance:

MR. NISARG N JAIN(8807) for the Applicant(s) No. 1,2,3,4

MS NAMRATA H LAWALE for the Respondent(s) No. 2

MR LB DABHI, APP for the Respondent(s) No. 1

=====

CORAM:HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI

Date : 31/01/2022

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 Ms.Namrata H. Lawale states that she has received instructions to appear on behalf of respondent No.2. She is permitted to file her Vakalatnama in the Registry. Registry to accept the same.
3. Rule. Learned APP Mr. L.B. Dabhi for respondent no.1 and learned advocate, Ms. Namrata H. Lawale 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.11196027210779 of 2021 registered with Karelibaug Police Station, District Vadodara City, for the offence punishable under Sections 323, 294(b) and 114 of the Indian Penal Code.

5. Heard learned advocate, Mr. Nisarg N. Jain for the applicants, learned APP Mr. L.B. Dabhi for respondent no.1 and learned advocate, Ms. Namrata H. Lawale for respondent no.2. Respondent no.2 – first informant is present before this Court through videoconferencing in the office of learned advocate Ms. Lawale and this Court has inquired from respondent no.2 about the genuineness of the settlement. An affidavit to that effect is placed on record at Page 14. Learned advocate, Ms. Lawale identifies respondent no.2 and confirms correctness and genuineness of the affidavit filed by respondent No.2.
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.
8. Since now, the dispute with reference to the impugned FIR is settled and resolved by and between parties, which is confirmed by respondent No.2 through his 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.

9. Resultantly, this application is allowed. The impugned FIR being C.R.No.11196027210779 of 2021 registered with Karelibaug Police Station, District Vadodara City and all other consequential proceedings arising out of said FIR are hereby quashed and set aside.

10. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(VIPUL M. PANCHOLI, J)

piyush