

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION NO. 5706 of 2022**

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MAYURSINH JAYENDRASINGH JADEJA

Versus

STATE OF GUJARAT

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Appearance:

MR VH KANARA(1881) for the Applicant(s) No. 1,2,3,4

SHIVANGI D VYAS(10117) for the Applicant(s) No. 1,2,3,4

MS PRIYANKA GOJIYA for the Respondent(s) No. 2

MS MOXA THAKKAR, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE NIRAL R. MEHTA

Date : 30/09/2022

ORAL ORDER

Ms.Priyanka Gojiya, learned advocate, states that she has instructions to appear on behalf of original complainant. She will file her Vakalatnama as appearing on behalf of the complainant. The Registry to accept the same.

1. By way of this application under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "the Code"), the applicants have prayed for quashing and setting aside F.I.R. bearing **NC No.NC/0001/2020** registered with **"A" Division Police Station, Jamnagar** for the offences punishable under **Sections 114, 323 and 504** of the Indian Penal Code and to quash all other consequential proceedings arising out of the aforesaid FIR qua the applicants.

2. Heard learned advocate for the applicants and

Ms.Priyanka Gojiya, learned advocate for the respondent No.2 – complainant.

3. Both the learned advocates would submit that during the pendency of present petition, the matter is amicably settled amongst the parties and therefore, any further continuation of the proceedings pursuant to the impugned FIR would create hardship to the parties and further continuation of the proceedings would amount to abuse of process of law.

4. Learned APP has opposed the application and submitted that looking to averments made in the FIR, complaint may not be quashed.

5. The complainant – respondent No.2 – Akashbhai Dolarbhai Barad is personally present before the Court today and is identified by learned advocate for the complainant. Learned advocate for the complainant has tendered affidavit dated 30.5.2022 conforming the settlement arrived at between the parties which is at page-12.

6. Having heard the learned counsel for the parties and considering the facts of settlement and law laid down by the Apex Court [**Gian Singh Vs. State of Punjab & Anr., reported in (2012) 10 SCC 303, Madan Mohan Abbot Vs. State of Punjab, reported in (2008) 4 SCC 582, Nikhil Merchant Vs. Central Bureau of Investigation & Anr., reported in 2009 (1) GLH 31, Manoj Sharma Vs. State & Ors., reported in 2009 (1) GLH 190 and Narinder Singh**

& Ors. Vs. State of Punjab & Anr. reported in 2014 (2) Crime 67 (SC),] this Court is of the considered view that further continuation of the criminal proceedings in relation to the impugned FIR would nothing but unnecessary harassment to the parties and trial thereon would be futile and further continuation of the proceedings would amount to abuse of process of law. Thus, to secure the ends of justice, the impugned FIR is required to be quashed and set aside in exercise of powers conferred under Section 482 of the Code.

7. Resultantly, this application is allowed and the impugned F.I.R. bearing **NC No.NC/0001/2020** registered with **“A” Division Police Station, Jamnagar** filed against present applicants is hereby quashed and set aside and all other proceedings arising out of the aforesaid FIR are also quashed and set aside. Direct service permitted.

(NIRAL R. MEHTA,J)

V.J. SATWARA