

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 13028 of 2022**

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PARAS VASUDEV SONI
Versus
STATE OF GUJARAT

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Appearance:

MR MANISH S SHAH(5859) for the Applicant(s) No. 1
MR UTSAV SHETH, ADVOCATE 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 : 29/07/2022****ORAL ORDER**

1. By way of this application under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "the Code"), the applicant has prayed for quashing and setting aside F.I.R. bearing **C.R. No.11195018220345 of 2022** registered with **Dhanera Police Station, Banaskantha** for the offences punishable under **Sections 376(1) and 313** of the Indian Penal Code, and to quash all other consequential proceedings arising out of the aforesaid FIR qua the applicant.

2. Heard learned advocate for the applicant and Mr.Utsav Sheth, learned advocate for the respondent No.2 – complainant. Mr.Sheth is permitted to file his Vakilatnama for respondent No.2.

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 – Nidhiben D/o.Rameshbhai Dharamji Purohit, is personally present before the Court today and is identified by learned advocate for the complainant. The complainant has filed affidavit stating *inter alia* the fact that the matter is amicably settled with the applicant.

5.1 Considering the contents of the affidavit with a view to see that the parties are put to rest and their future may not be jeopardized, the Court is inclined to accept the settlement. This Court has also taken note of the fact that both the parties – applicant and the victim are 31 and 27 years of age respectively and thereby settling the matter is their mature decision and the same is accepted.

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 **C.R. No.11195018220345 of 2022** registered with **Dhanera Police Station, Banaskantha** filed against present applicant 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)

ANUP