

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 19165 of 2018

With

R/CRIMINAL MISC.APPLICATION NO. 19171 of 2018

With

CRIMINAL MISC.APPLICATION (FOR STAY) NO. 1 of 2019

In R/CRIMINAL MISC.APPLICATION NO. 19171 of 2018

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INDUBHAI GABHARUBHAI TAVETHIA

Versus

STATE OF GUJARAT & 1 other(s)

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Appearance:

MR APURVA R KAPADIA(5012) for the Applicant(s) No. 1

MR. BHARGAV K MEHTA(7094) for the Respondent(s) No. 2

**MR JK SHAH, ASSISTANT PUBLIC PROSECUTOR for the Respondent(s)
No. 1**

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 31/03/2022

ORAL ORDER

1. Heard learned Advocate Mr. Apurva R. Kapadia on behalf of the applicants in both the matters, learned Advocate Mr. Bhargav K. Mehta on behalf of the respondent no. 2-original complainant and learned APP Mr. J. K. Shah on behalf of the respondent-State.

2. Rule returnable forthwith. Learned APP Mr. J. K. Shah would waive service of rule on behalf of the respondent-State and learned Advocate Mr. Bhargav Mehta would waive service of rule on behalf of the respondent no. 2.

3. In pursuance to direction given vide order dated 23.03.2022, learned Advocate Mr. Kapadia would submit that the applicants and the complainant have approached the Investigating Officer and whereas the complainant has recorded statement before the Investigating Officer that the settlement arrived at between the parties, was without any coercion etc.

4. Having regard to the same, more particularly, in view of the fact that the parties have settled the matter inter se, in the considered opinion of this Court no fruitful purpose would be served if the impugned FIR and proceedings arising therefrom are continue to proceed further. This Court relies upon the observations of the Hon'ble Apex Court in cases of **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, **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) to arrive at such a conclusion.

5. Having regard to the same, the impugned FIR being C. R. No. I-23 of 2018 registered with the Damnagar Police Station, Dist. Amreli on 27.08.2018 for offences punishable under Sections – 406, 420, 306, 120B and 34 of the Indian Penal Code stands quashed qua the present

applicants. Observation as made in order dated 23.03.2022 shall be treated as part of the present order. In view of the order passed in the Criminal Miscellaneous Application No. 19171 of 2018, the Criminal Miscellaneous Application No. 1 of 2019 stands disposed of. Rule is made absolute. Direct service is permitted.

Mrs. J. J. Kedia

(NIKHIL S. KARIEL,J)