

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 2556 of 2019**

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ROHIT MAHESHBHAI JODHWANI

Versus

STATE OF GUJARAT

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Appearance:

MR GAURAV CHUDASAMA(5660) for the Applicant(s) No. 1,2,3,4,5,6

MR PR ABICHANDANI(102) for the Respondent(s) No. 2

PRANAV TRIVEDI APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA**Date : 28/02/2023****ORAL ORDER**

1. Rule returnable forthwith. Mr. Pranav Trivedi, learned APP waives service of notice of Rule on behalf of respondent No. 1 - State of Gujarat and Mr. P.R. Abichandani, learned advocate waives service of notice of Rule on behalf of respondent no.2.
2. By this application under Section 482 of the Code of Criminal Procedure, 1973, the applicants original accused seek to invoke the inherent powers of this Court, praying for quashment of the FIR being I.CR. No. 3 of 2019 registered with Nadiad (Rural) Police Station, Dist.: Kheda, for the offences punishable under Sections 498A of the IPC and Sections 3 and 7 of the Dowry Prohibition Act.
3. It appears from the material on record that, the marriage was solemnized on 30.12.2012 and thereafter, parties were resided at Bhavnagar. The husband Rohit Maheshbhai is doing his business at

Ahmedabad. The respondent no. 2 wife had come to Ahmedabad and resided together for a considerable time. However, due to marital discord, the difference is cropped up between the husband and wife. Since June, 2018, the wife is living separately. In such circumstances, the questioned FIR is being lodged against the husband and in-laws alleging therein that, the wife respondent no. 2 is subjected to cruelty and was harassed mentally and physically by the husband and in-laws.

4. Heard learned counsel Ms. Vishwa Patel, for Mr. Gaurav Chudasama, Mr. P.R. Abichandani and Mr. Pranav Trivedi, learned APP for respective parties.
5. The affidavit of Rohit Maheshbhai is ordered to be placed on record.
6. Learned counsel for the respective parties would submit that, the parties have resolved their dispute amicably and the respondent no. 2 wife has no objection if the FIR is quashed. Referring to the decree of divorce dated 20.06.2022 passed in Family Suit No. 1 of 2022, it is submitted that, the matter has been compromised and in view of the decree of divorce, they have no objection if proceedings be quashed. The husband – applicant no. 1 has clearly mentioned in his affidavit that he has not obtained any loan whatsoever jointly with respondent no. 2 wife and in the event of any loan, if due to any bank or financial institution, then, the burden to make the payment of such loan would be on him.

7. Mr. Abichandani, learned counsel for the respondent no. 2, drawing the attention of the affidavit of the respondent no. 2 filed before the Family Court, Bhavnagar, submitted that, in view of the decree of divorce, the wife has no objection if FIR is quashed. He would further submits that, as per terms and conditions of the settlement, the husband has taken all the responsibility to repay the loan, if any and as such, the wife will not be responsible for any dues toward the loan amount.
8. Having regard to the facts and circumstances of the present case and on perusal of the decree of divorce and affidavit of the parties filed before the Family Court, this Court is of the view that, the dispute is purely a private in nature and parties have amicably settled the matter and same has not been secured through coercion, threat or inducement and therefore, no useful purpose would be served to ask the applicant to face the trial. The applicant husband shall have to adhere to the terms and conditions of the affidavit as he has taken the responsibility towards the dues of the bank.
9. Resultantly, this application is allowed and the impugned F.I.R. **bearing I. C.R.No. 3 of 2019 registered with Nadiad (Rural) Police Station, Dist.: Kheda** 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.

(ILESH J. VORA,J)

P.S. JOSHI