

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION NO. 7420 of 2023**

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SOYEB @ CHILLI S/O YASINBHAI HAJI MOHAMMAD POMCHAWALA & 6  
other(s)  
Versus  
STATE OF GUJARAT

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Appearance:

MR. AMIT R TIWARI(9947) for the Applicant(s) No. 1,2,3,4,5,6,7  
MR DP VEGAD, for the Respondent no.2  
MR HARDIK MEHTA, APP for the Respondent(s) No. 1

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**CORAM:HONOURABLE MR. JUSTICE SAMIR J. DAVE****Date : 29/04/2023****ORAL ORDER**

Applicants are permitted to join the original complainant as respondent no.2 in this petition.

Mr. D. P. Vegad, learned advocate states that he has received instructions to appear for and on behalf of the respondent no.2 and sought permission to appear on behalf of the respondent no.2. Permission; as sought for; stands granted. He shall file his Vakalatnama before the Registry. Registry shall accept the same.

1. **Rule.** Learned APP waives service of notice of rule for and on behalf of the respondent no.1-State and learned advocate Mr. D. P. Vegad waives service of notice of rule for and on behalf of the respondent no.2.

2. Considering the issue involved in the present application and with consent of the learned advocates appearing for the respective parties as well as considering the fact that the dispute amongst the applicants and complainant has been resolved amicably, this matter is taken up for final disposal forthwith.

3. 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 **FIR being C.R.No. 11191025230123 OF 2023 registered with Kagdapith Police Station, District Ahmedabad City** for the offence punishable under Sections 395 of the Indian Penal Code and Section 135(1) of the Gujarat Police Act as well as other consequential proceedings arising therefrom.

4. Learned counsel for the respective parties submitted that during pendency of the criminal proceedings, as referred to above, the parties have amicably settled their issue by way of mutual settlement and pursuant to understanding arrived at, the Complainant has accordingly filed an affidavit, which is on record. The complainant has categorically stated in the affidavit that dispute is amicably resolved and has no objections if the present proceedings are quashed and there is no surviving grievance between them.

5. Heard learned advocates for the respective parties.
6. Having heard the learned counsel for the respective parties, considering the facts and circumstances arising out of the present application as well as taking into consideration the decisions rendered in the 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, **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), it appears that further continuation of criminal proceedings in relation to the impugned FIR against the applicants would be unnecessary harassment to the applicants. It appears that the trial would be futile and further continuance of the proceedings pursuant to the impugned FIR would amount to abuse of process of law and Court and hence, to secure the ends of justice, the impugned FIR and other consequential proceedings are required to be quashed and set aside in exercise of powers conferred under Section 482 of the Code.
7. Resultantly, this application is allowed. The impugned **FIR** being **C.R.No. 11191025230123 OF 2023** registered with **Kagdapith Police Station, District Ahmedabad City** as well as

other consequential proceedings are hereby quashed and set aside qua the present applicants herein. Accordingly, Rule is made absolute.

8. If the applicants are behind the bar, Jail authority as well as Court concerned shall take necessary steps to release the applicants from the jail if they are not required in any other offence.

Direct service is permitted.

K. S. DARJI

**(SAMIR J. DAVE,J)**