

Sanjaybhai Motibhai Bharwad Vs State Of Gujarat

Court: Gujarat High Court

Date of Decision: July 21, 2020

Acts Referred: Code Of Criminal Procedure, 1973 " Section 482
Indian Penal Code, 1860 " Section 114, 323, 324, 325, 394, 427, 504, 506(2)

Hon'ble Judges: A.J.Desai, J

Bench: Single Bench

Advocate: Mahesh K Poojara, LB Dabhi

Final Decision: Allowed

Judgement

A.J.Desai, J

1. Learned advocate Mr. Kishan Dahiya states that he has instructions to appear for the respondent No.2 and shall file his appearance. He identifies

the original complainant, who has also joined the hearing through video conference and has filed Affidavit stating that the matter is settled between the

parties.

2. With the consent of the learned advocates appearing on behalf of the respective parties, the matter is taken up for final hearing today.

3. Rule. Mr. L.B.Dabhi, learned Additional Public Prosecutor waives service of Rule on behalf respondent No.1 - State of Gujarat. Mr. Kishan

Dahiya, learned advocate waives service of Rule on behalf of respondent No.2 - original complainant.

4. By way of the present application under Section 482 of the Code of Criminal Procedure, the applicant has prayed to quash and set aside the FIR

being C.R.No.11211016200340 of 2020 lodged with Dhrangadra Taluka Police Station, Surendranagar for the offences punishable under Sections 427,

323, 504, 506(2), 324, 325, 394 and 114 of the Indian Penal Code, 1860 along with all the subsequent proceedings that arose from the said FIR, .

5. Learned advocate appearing for the applicant has placed reliance on the decision of the Honble Apex Court in case of Gian Singh versus State of

Punjab & Anr. reported in 2012(10)SCC 303 as well as in the case of Jitendra Raghuvanshi & Ors. V/s. Babita Raghuvanshi & Anr. reported in

[2013(3)] 54 (3) G.L.R 1875 and submitted that since the matter is settled and all the grievances raised in the FIR do not exist, there is no need to

proceed further with the trial with regard to the FIR.

6. Learned advocate appearing on behalf of respondent No.2 "original complainant states that he has identified the complainant, who is personally

present before the Court through video conference and has filed Affidavit stating that the matter is amicably settled between the parties and the

complainant has no objection if the impugned FIR and all the proceedings arose from the said FIR, may be quashed and set aside.

7. Mr.L.B.Dabhi, learned Additional Public Prosecutor appearing for respondent- State would submit that though the compromise has been arrived at

between the parties, the impugned FIR may not be quashed and this petition may be dismissed.

8. I have heard learned advocates appearing on behalf of the respective parties. I have perused the Affidavit filed by the complainant, in which, it is

specifically stated that the matter is settled between the parties and the complainant has no objection, if the impugned FIR is quashed.

9. Considering the overall facts and circumstances of the case, the present application is allowed. The FIR being C.R. No.11211016200340 of 2020

lodged with Dhrangadra Taluka Police Station, Surendranagar is hereby quashed and set aside qua the applicant only.

10. Rule is made absolute to the aforesaid extent. Registry to communicate the present the order to the concerned police station through email / fax

forthwith.