

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO.
21196 of 2026

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CHIRAG BHIKHABHAI BHUVA & ORS.
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR.HITENDRA D RAJPUT(7224) for the Applicant(s) No. 1,2,3,4,5,6
MR. ROHAN SHAH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL

Date : 14/09/2026

ORAL ORDER

1. Learned advocate Mr. Bhargav Dangar states that he has instructions to appear on behalf of the *de facto* complainant and seeks permission to file his Vakalatnama, which is granted.
2. Heard, learned advocates for the respective parties.
3. **Rule.** The learned advocates for the respective respondents waive service.
4. Considering the facts and circumstances of the case and since it is jointly stated at bar by the learned advocates for the respective parties that the dispute between the parties has been resolved amicably, this matter is taken up for final disposal forthwith.
5. By this application under Section 528 of the Bharatiya Nagarik

Suraksha Sanhita, 2023 (BNSS), the applicants have prayed to quash and set aside the FIR being Part-A C.R.No.11210010260727 of 2026, registered with Laskana Police Station, Surat City for the offences punishable under Sections 85 and 54 of the Bharatiya Nyaya Sanhita, 2023 and to quash all other consequential proceedings arising therefrom.

6. The learned advocates for the respective parties submitted that during the pendency of proceedings, the parties have settled the dispute amicably and pursuant to such mutual settlement, the victim and the brother of the victim namely the complainant have also filed an Affidavits, which are taken on record. In the Affidavits, the *de facto* complainant and victim have categorically stated that the dispute with the applicants has been resolved amicably and they have no objection if the criminal proceedings are quashed and set aside since there is no surviving grievance between them.

7. The *de facto* complainant and victim are present before the Court today through video conference. When questioned, the complainant and victim have unequivocally stated that they have entered into compromise with the accused and they have amicably settled the dispute and that, they have no objection to quash the FIR that is registered against the applicants.

8. It is apt here to consider whether the power conferred by the

High Court under Section 528 of BNSS is warranted. It is true that the powers under Section 528 of BNSS are very wide and the very plenitude of the power requires great caution in its exercise. The Court must be careful to see that its decision in exercise of this power is based on sound principles. The inherent power should not be exercised to stifle a legitimate prosecution. The High Court being the highest Court of a State should normally refrain from giving a *prima facie* decision in a case where the entire facts are incomplete and hazy, more so when the evidence has not been collected and produced before the Court and the issues involved, whether factual or legal, are of magnitude and cannot be seen in their true perspective without sufficient material. Of course, no hard-and-fast rule can be laid down in regard to cases in which the High Court will exercise its extraordinary jurisdiction of quashing the proceeding at any stage as held by the Apex Court in the case of ***Central Bureau of Investigation v. Ravi Shankar Srivastava, IAS & Anr., reported in AIR 2006 SC 2872.***

9. Having heard learned advocates on both the sides and considering the facts and circumstances of the case as also the principles laid down by the Apex Court in the cases of (i) ***Gian Singh Vs. State of Punjab & Anr., reported in (2012) 10 SCC 303,*** (ii) ***Madan Mohan Abbot Vs. State of Punjab, reported in (2008) 4 SCC 582,*** (iii) ***Nikhil Merchant Vs. Central Bureau of Investigation & Anr., reported in 2009 (1) GLH 31,*** (iv) ***Narinder***

Singh & Ors. Vs. State of Punjab & Anr. reported in 2014 (2) Crime 67 (SC) as also considering the fact that the dispute between the parties is resolved amicably and complainant has no objection if the FIR is quashed, in the opinion of this Court, the continuation of criminal proceedings against the present applicants would be an exercise in futility and abuse of process of law. Hence, to secure the ends of justice, it would be appropriate to quash and set aside the impugned FIR and all consequential proceedings initiated in pursuance thereof.

10. *In fine*, the application is allowed. The impugned FIR, as referred to herein above, as well as all consequential proceedings initiated in pursuance thereof, are hereby quashed and set aside *qua* the applicants herein.

11. If the applicants are in jail, the jail authority concerned is directed to release the applicants forthwith, if not required in any other case.

12. Rule is made absolute to the aforesaid extent. **Direct service** is permitted.

NITIN MAKWANA

(P. M. RAVAL, J)