

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/SPECIAL CRIMINAL APPLICATION (FOR CONSENT  
QUASHING) NO. 7735 of 2026**

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MUNA @ MUKESHBHAI GIGABHAI FANGALIYA & ANR.  
Versus  
STATE OF GUJARAT & ANR.  
=====

Appearance:

MR N P PANDYA(11241) for the Applicant(s) No. 1,2  
MR.SHATRUGHN S SONI(17589) for the Respondent(s) No. 2  
MR KM ANTANI, APP for the Respondent(s) No. 1  
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**CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL**

**Date : 12/06/2026**

**ORAL ORDER**

1. Heard, learned advocates for the respective parties.
2. *Rule.* The learned advocates for the respective respondents waive service.
3. 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.

4. By this petition under Article 226 of the Constitution of India r/w. Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), the petitioners - original accused Nos. 7 and 8 have prayed to quash and set aside the FIR being CR No. 11208037260349 of 2026, registered with Kuvadva Road Police Station, Rajkot City for the offences punishable under Sections 109(1), 118(1), 115(1), 351(3), 189(2), 190, 191(2) and 191(3) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Section 135(1) of the GP Act and to quash all other consequential proceedings arising therefrom.

5. 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 *de facto* complainant has also filed an Affidavit, which is on record. In the Affidavit, the *de facto* complainant has categorically stated that the dispute with the petitioners has been resolved amicably and he has no objection if the criminal proceedings are quashed and set aside since there is no surviving grievance between them.

6. The *de facto* complainant has unequivocally stated that he has entered into compromise with the accused and they have amicably settled the dispute and that, he has no objection to quash the FIR that is registered against the petitioners.

7. It is apt here to consider whether the powers conferred by

the High Court under Section 528 of the BNSS are warranted. It is true that the powers under Section 528 of the 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.

8. 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 petitioners would be an exercise in futility and abuse of process of law, more particularly, considering the fact as asserted that the petitioners were trying to intervene and resolve the dispute in good faith, however, because of commotion took place, FIR came to be registered, however, now, the cloud is clear. 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.

9. *In fine*, the petition 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 petitioners herein – original accused Nos. 7 and 8.

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

[ P. M. Raval, J. ]