

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1884/2013

SHAILESHBHAI RANCHHODBHAI PATEL & ANR. Appellants

VERSUS

STATE OF GUJARAT & ORS. Respondents

WITH

CRIMINAL APPEAL NO.1885/2013

ORDER

1. By a common impugned judgment and order dated 14th September, 2011, a learned Judge of the High Court of Gujarat dismissed Criminal Miscellaneous Application No.5245 of 2003 (Shaileshbhai Ranchhodbhai Patel & Anr. vs. State of Gujarat & Ors.) and Criminal Miscellaneous Application No. 14383 of 2005 (Shainan Shaileshbhai Patel vs. State of Gujarat & Anr.).
2. Criminal Appeal No.1884/2013 and Criminal Appeal No.1885

of 2013, by special leave, are at the instance of the complainant's parents-in-law and husband, respectively, questioning such judgment and order whereby the learned Judge refused to quash FIR No.I-405/2022 dated 21st December, 2002¹ under section 498-A of the Indian Penal Code, 1860 registered at J.P. Road Police Station, Vadodara, Gujarat and consequently dismissed the petitions of the appellants under Section 482 of the Code of Criminal Procedure, 1973².

3. A bare reading of the impugned judgment and order reveals what primarily weighed with the learned Judge to refuse the prayer for quashing. The officer entrusted to investigate the FIR upon collection of materials had filed a charge-sheet under Section 173(2) of the Cr. PC. This led the learned Judge to hold that a *prima facie* case having been made out against the appellants, the FIR was not required to be quashed and set aside in exercise of powers under Section 482 of the Cr. PC.

4. It is not in dispute that after the FIR was registered in 2002, the complainant [respondent no.3 in Criminal Appeal No.1884/2013 and respondent no.2 in Criminal Appeal No.1885/2013] and the appellant in Criminal Appeal No.1885/2013 obtained divorce by mutual consent; further that, the complainant has since re-married and blessed with children

1 FIR

2 Cr. PC

from her second marriage; and also that, despite service of notice on her on 30th May, 2023, as appears from the office report dated 02nd December, 2023, the complainant has not entered appearance to oppose these appeals.

5. We have heard Mr. Nikhil Goel, learned senior counsel appearing for the appellants in both the appeals and Ms. Swati Ghildiyal, learned standing counsel representing the State of Gujarat, at some length and perused the papers on record.

6. It is important to bear in mind the facts and circumstances giving rise to the present appeals. The complainant and the appellant in Criminal Appeal No.1885/2013 have since severed their marital ties in 2004, the complainant is in her family way upon such severance of tie with the said appellant and both the complainant and the said appellant are presently based out of India, well settled in their respective lives. That the complainant has no inclination to have her marital life disturbed is also evident from her non-participation in the present proceedings. That apart, the allegations leveled in the FIR are mostly vague and general in nature. In such a factual background, we are called upon to examine whether the FIR and the charge-sheet under Sections 154 and 173(2), Cr. PC, respectively, ought to proceed for trial and be not quashed merely because of appearance of a *prima facie* case against the appellants.

7. The question of law involved in these two appeals as to whether quashing of the FIR should have been refused for no other reason than that the investigating officer has filed the charge-sheet is no longer *res integra*. Decisions of this Court to such effect are legion. We may profitably refer to the decisions of this Court in ***Ruchi Majoo v. Sanjeev Majoo***³, ***Anand Kumar Mohatta vs State (Govt. of NCT of Delhi) Home Department***⁴ and ***Abhishek vs. State of Madhya Pradesh***⁵.

8. On the authority of the aforesaid decisions, law seems to be well-settled that the High Court under Section 482, Cr. PC. retains the power to quash an FIR, even after charge-sheet under Section 173(2) thereof is filed, provided a satisfaction is reached, *inter alia*, that either the FIR and the charge-sheet read together, even accepted as true and correct without rebuttal, does not disclose commission of any offence or that continuation of proceedings arising out of such an FIR would in fact be an abuse of the process of law as well as of the Court given the peculiar circumstances of each particular case.

9. On facts and in the circumstances of the present case, it is considered appropriate to give a quietus to the long-standing dispute between the private parties. Since the complainant is unrepresented, we deem it worthwhile to invoke our powers

3 (2011) 6 SCC 479

4 (2019) 11 SCC 706

5 2023 SCC OnLine SC 1083

under Article 142 of the Constitution of India for quashing the FIR, the charge-sheet and all other proceedings in pursuance thereof. Ordered accordingly.

10. The appeals, thus, stand allowed.

11. Pending application(s), if any, stand disposed of.

.....J.
(DIPANKAR DATTA)

.....J.
(UJJAL BHUYAN)

New Delhi;
August 28, 2024.

ITEM NO.101

COURT NO.17

SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No.1884/2013

SHAILESHBHAI RANCHHODBHAI PATEL & ANR.

Appellants

VERSUS

STATE OF GUJARAT & ORS.

Respondents

(with I.A. No. 4963/2012 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT, I.A. No. 4964/2012 - EXEMPTION FROM FILING O.T.
and I.A. No. 4962/2012 - STAY APPLICATION)

WITH

CrI.A. No. 1885/2013 (II-B)
(with I.A. No. 7634/2012 - STAY APPLICATION)

Date : 28-08-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s) Mr. Nikhil Goel, Sr. Adv.
Mr. Ashutosh Ghade, AOR
Ms. Naveen Goel, Adv.
Ms. Siddhi Gupta, Adv.
Mr. Adithya K. Roy, Adv.

For Respondent(s) Ms. Swati Ghildiyal, AOR
Ms. Devyani Bhatt, Adv.
Ms. Neha Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The appeals stand allowed in terms of the signed order.
2. Pending application(s), if any, stand disposed of.

(RASHMI DHYANI PANT)
COURT MASTER (SH)

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)

(signed order is placed on the file)