

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION (FOR CONSENT
QUASHING) NO. 10648 of 2025

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SAHDEV RANCHODBHAI BRAHMAN

Versus

STATE OF GUJARAT & ANR.

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Appearance:

K T BELADIYA(9101) for the Applicant(s) No. 1

MR MANAN MAHETA, APP for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**

Date : 30/07/2025

ORAL ORDER

1. Learned Advocate **Mr. Vipul B. Desai**, states that he has instructions to appear on behalf of the original complainant and thereby, seeks permission to file his Vakalatnama, which is granted. Heard learned advocates for the respective parties.

2. **RULE.** Learned advocates waive service of note of rule on behalf of the respective respondents.

3. Considering the facts and circumstances of the case and since it is jointly stated at the Bar by learned advocates on both the sides that the dispute between the parties has been resolved amicably, this matter is taken up for final disposal forthwith.

4. By way of this application under Section 528 of the Bharatiya Nagarika Suraksha Sanhita (hereinafter referred to as "BNSS"), the petitioner has prayed to quash and set aside the complaint being **FIR No.11191044250014 of 2025 registered with Ghatlodiya Police Station, Ahmedabad City for the offences under Sections 66(e) and 67 of the Information Technology Act, read with Sections 351(2) and 356(2) of the Bharatiya Nyaya Sanhita, 2023** and all

the consequential proceedings arising therefrom.

5. 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 original complainant has also filed an Affidavit **at Annexure – B** which is placed on record. In the Affidavit, the original complainant has categorically stated that the dispute with the petitioner has been resolved amicably and that he has no objection, if the present proceedings are quashed and set aside since there is no surviving grievance between them. The complainant is present in-person and identified by her learned Advocate. The complainant has admitted the factum of settlement.

6. Having heard learned advocates on both the sides and considering the facts and circumstances of the case as also the principle 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) Manoj Sharma Vs. State & Ors.**, reported in **2009 (1) GLH 190** and **(v) Narinder Singh & Ors. Vs. State of Punjab & Anr.** reported in **2014 (2) Crime 67 (SC)**, considering the fact that at the instance of respondent no.2 the impugned complaint is filed against the petitioner as there was some matrimonial dispute arose between husband and wife as the respondent no.2 was not ready and willing to joint matrimonial life with the petitioner-husband, the petitioner with an ulterior motive uploaded some obscene photographs of respondent no.2 on WhatsApp and Instagram with filthy comments and made viral. Subsequently the dispute is settled between the parties as the same is private in nature. Now no obscene photographs or material is

available as stated by the petitioner. No purpose would be served and there is bleak chance of conviction, in the opinion of this Court, the further continuation of criminal proceedings against the petitioner in relation to the impugned FIR would cause unnecessary harassment to the petitioner. Further, the continuance of trial pursuant to the mutual settlement arrived at between the parties would be a futile exercise. 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 under Section 528 of the Cr.P.C..

However, though dispute is settled between the parties but considering the conduct of the petitioner being husband has sought obscene photographs of his wife and not only that he even viral the said photographs on social media, a cost of **Rs.25,000/-** is imposed upon the petitioner.

7. In the result, the application is **allowed** subject to payment of cost of **Rs.25,000/-** to be deposited in **State Legal Services Authority** within **1 week from today**. The impugned complaint being **FIR No.11191044250014 of 2025 registered with Ghatlodiya Police Station, Ahmedabad City** as well as all consequential proceedings initiated in pursuance thereof are hereby quashed and set aside qua the petitioner herein. Rule is made absolute. Direct service is permitted. If the petitioner is in jail, the jail authority concerned is directed to release the petitioner forthwith, if not required in connection with any other case.

(HASMUKH D. SUTHAR,J)

ANKIT

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ANKIT YOGESHBHAI JANSARI(HCW0109), ENGLISH STENOGRAPHER GRADE I, at High Court of Gujarat on 30/07/2025 18:57:14