

01/09/2026

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO.
17558 of 2026**

**FOR APPROVAL AND SIGNATURE:
HONOURABLE MRS. JUSTICE M. K. THAKKER**

Approved for Reporting	Yes	No
	yes	

RAVI SURESHBHAI PRAJAPATI
Versus
STATE OF GUJARAT & ANR.

Appearance:

MR SS SAIYED(3690) for the Applicant(s) No. 1

MS MONALI BHATT, ADDL.PUBLIC PROSECUTOR for the Respondent(s)
No. 1

LD.SR.ADV MR AMIT P. PATEL WITH MR S.D.BROACHA for the
Respondent No.2

CORAM: HONOURABLE MRS. JUSTICE M. K. THAKKER

Date : 01/09/2026

JUDGMENT

1. By way of filing the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant-accused has prayed to quash and set aside the FIR being C.R. No. 11191020250468 of 2025 registered with Vastrapur Police Station, Ahmedabad for the offences punishable under Sections 77 of the Bharatiya Nyaya Sanhita, Sections 11, 12 and 18 of the POCSO Act, 2012, Section 3(2) (5-A) of the Atrocity Act and Section 67 (A) of the I.T.Act as well as all consequential proceedings arising therefrom qua the applicants herein.
2. At the outset, it is submitted by the learned advocates appearing for the respective parties that

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the dispute between the complainant and the applicant has been resolved. It is further submitted that the complainant has filed an affidavit stating that she does not wish to pursue the impugned proceedings and has given her consent for quashing of the impugned FIR.

3. This Court has perused the affidavits filed by the complainant as well as the father of the victim, wherein they have stated that they have no objection if the impugned FIR is quashed. However, as the matter pertains to offences under the POCSO Act, the Information Technology Act and Section 77 of the BNS, instead of quashing the FIR on the ground of settlement, this Court deems it appropriate to examine the matter on its merits.
4. The affidavit filed by respondent No.2-original complainant reads thus:

“I, XXX XXX XXX, the respondent no.2 (Original Complainant) in the petition herein state and declare on oath and solemnly affirm as under:-

1. I respectfully submit that I am the original complainant in the offence registered as CR. No. 11191020250468 of 2025 registered with Vastrapur Police Station, Dist.: Ahmedabad City, offences punishable U/s. 77 of the BNS and U/s. 11, 12 and 18 of the POCSO Act., 2012 and U/s. 3(2)(5-A) of the Atrocity Act. and U/s. 67(A) of the I. T. Act., registered on dated 01/10/2025. I say and submit that I have

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amicably settled the matter by way of compromise with present petitioner/accused and hereby undertakes to withdraw all the litigations with respect to CR. No. 11191020250468 of 2025 registered with Vastrapur Police Station, Dist.: Ahmedabad City against the petitioner.

2. That the dispute between the parties is resolved and there is no surviving grievance. The settlement arrived between us would be binding to me/my legal representative with respect to this offence i.e. CR. No. 11191020250468 of 2025 registered with Vastrapur Police Station, Dist.: Ahmedabad City for all time to come in future. I have settled this matter without any coercion or force from the petitioner/accused person.

3. I respectfully say and submit that I am withdrawing all litigations with respect to this offence i.e. CR. No. 11191020250468 of 2025 and I submit that I have no objection if the said FIR and Special POCSO Case No. 109 of 2025 pending before the Ld. Special Judge (POSCO) and 3rd Additional District Judge, Ahmedabad (Rural), Navrangpura, Ahmedabad as well as other Criminal Proceedings pursuant to the said FIR are quashed by this Hon'ble Court by way of allowing the present petition.

4. I respectfully submit that the affidavit tendered by me need to be considered at the time of deciding the application.

5. The contents of para nos. 1 to 4 of this affidavit are read over to me and explained to me in Gujarati and the same are true and correct to the best of my knowledge and belief.”

5. The affidavit filed by the father of the victim and husband of the original complainant reads thus:

“I, XXX XXX XXX, the husband of the respondent no.2 (Father of Victim) in the petition herein state and

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declare on oath and solemnly affirm as under:-

1. I respectfully submit that I am the husband of original complainant and father of the victim girl in the offence registered as CR. No. 11191020250468 of 2025 registered with Vastrapur Police Station, Dist.: Ahmedabad City, offences punishable U/s. 77 of the BNS and U/s. 11, 12 and 18 of the POCSO Act., 2012 and U/s. 3(2)(5-A) of the Atrocity Act. and U/s. 67(A) of the I. T. Act., registered on dated 01/10/2025. I say and submit that I have amicably settled the matter by way of compromise with present petitioner/accused and hereby undertakes to withdraw all the litigations with respect to CR. No. 11191020250468 of 2025 registered with Vastrapur Police Station, Dist.: Ahmedabad City against the petitioner.

2. That the dispute between the parties is resolved and there is no surviving grievance. The settlement arrived between us would be binding to me/my legal representative with respect to this offence i.e. CR. No. 11191020250468 of 2025 registered with Vastrapur Police Station, Dist.: Ahmedabad City for all time to come in future. I have settled this matter without any coercion or force from the petitioner/accused person.

3. That I am withdrawing all litigations with respect to this offence i.e. CR. No. 11191020250468 of 2025 and I submit that I have no objection if the said FIR and Special POCSO Case No. 109 of 2025 pending before the Ld. Special Judge (POSCO) and 3rd Additional District Judge, Ahmedabad (Rural), Navrangpura, Ahmedabad as well as other Criminal Proceedings pursuant to the said FIR are quashed by this Hon'ble Court by way of allowing the present petition.

4. I respectfully submit that the affidavit tendered by me need to be considered at the time of deciding the application.

5. The contents of para nos. 1 to 4 of this affidavit are

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read over to me and explained to me in Gujarati and the same are true and correct to the best of my knowledge and belief.”

6. As per the FIR lodged before Vastrapur Police Station, Ahmedabad City, by the mother of the victim, it is alleged that she, along with her husband and daughter aged 14 years, had visited Palladium Mall, where they went to the Max showroom. The victim selected some clothes and went to the changing room. After changing her clothes, she noticed a mobile phone lying on the floor of the changing room, on which video recording was found to be switched on. She picked up the mobile phone and informed her mother, who is the complainant, about the same. In turn, both of them informed the father of the victim. Thereafter, the father called the floor manager and informed him about the mobile phone. The present applicant, approached the father and demanded the mobile phone, stating that it had fallen while he was changing clothes in the adjoining room. The father inquired as to why the video recording was switched on, however, no satisfactory explanation was given. Therefore, the police were called and, ultimately, the FIR came to be lodged. The investigation culminated in the filing of the charge-sheet, and the matter is presently pending adjudication before the concerned Special Court. The allegations made in the FIR are undoubtedly serious

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in nature and disclose an act compromising the dignity and privacy of a minor child. The allegations further disclose a potent indication of the sinister undercurrent behind the use of the mobile phone, particularly in the context of the video recording of the minor girl while she was changing her clothes in the privacy of the changing room.

7. This Court has interacted with the parents of the complainant and inquired with regard to their consent for quashing of the FIR. In response, it was informed that, at the relevant point of time, the daughter was studying in the 10th Standard and is presently studying in the 11th Standard. It was further informed that the pendency of the criminal proceedings has adversely affected the education of the victim. She was a meritorious student, however, owing to the present incident, her performance and result in the 10th Standard were adversely affected. It was further informed that the incident had a serious impact on the mental well-being of the school-going minor and that the continuation of the criminal proceedings has caused her considerable emotional burden. It is submitted that, keeping in view her future prospects, including her further education and eventual marriage, the complainant has decided to move forward and put this chapter behind her.

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8. This Court has perused the material collected during the course of investigation, which includes the statement of the victim recorded under Section 183 of the BNSS, the CCTV footage, and the FSL report pertaining to the mobile phone, from which the video in question was retrieved. This Court was not inclined to quash the impugned FIR in a perfunctory manner. However, keeping in view the settled legal position recognizing the victim's right to privacy, dignity and closure, and while exercising the inherent powers under Section 528 of the BNSS in proceedings involving non-compoundable and serious offences, this Court deemed it appropriate to call upon the applicant to furnish an undertaking. The applicant has accordingly furnished the following undertaking:

“I, XXX XXX XXX, present petitioner in the petition herein, do hereby undertake on oath and solemnly affirm as under:-

1. I respectfully submit that I had filed above mention petition being Criminal Misc. Application No. 17558 of 2026 for quashing of impugned FIR and criminal proceedings being Special POCSO Case No. 109 of 2025 pending before the Ld. Special Judge (POSCO) and 3rd Additional District Judge, Ahmedabad (Rural), Navrangpura, Ahmedabad as well as other consequential proceedings pursuant to the said FIR, registered as CR. No. 11191020250468 of 2025, registered with Vastrapur Police Station, Dist.: Ahmedabad City for the offences punishable U/s. 77 of the BNS and U/s. 11, 12 and 18 of the POCSO Act., 2012 and U/s. 3(2)(5-A) of the Atrocity Act. and U/s. 67(A) of the I. T. Act. on dated

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2. I say and submit that I am unmarried person having degree of Diploma Engineering in Automobile and doing service as a Technician in Skoda Automobile Company at Naroda.

3. I undertake that, I have no criminal antecedent in the past, and, in future also I would nowhere directly or indirectly indulge/involve myself in any such kind of criminal activity or offence.

4. I further undertake to this Hon'ble Court that I am ready and willing to abide all the terms and conditions which may be imposed by this Hon'ble Court, while allowing the present petition by way of quashing the impugned FIR being CR. No. 11191020250468 of 2025 and criminal proceedings being Special POCSO Case No. 109 of 2025 pending before the Ld. Special Judge (POSCO) and 3rd Additional District Judge, Ahmedabad (Rural), Navrangpura, Ahmedabad as well as other consequential proceedings pursuant to the said FIR.

5. What is stated above is true to the best of my knowledge, information and belief and I believe the same to be true and correct.

6. The contents of para nos. 1 and 5 of this affidavit are read over to me and explained to me in Gujarati and the same are true and correct to the best of my knowledge and belief.”

9. In addition to direction to be bound by the above undertaking, this Court is of the opinion that it would be appropriate to direct the applicant to undertake community service as a measure of accountability and reflection. Accordingly, the applicant is directed to perform community service for a period of one month at the Civil Hospital, Asarwa, Ahmedabad,

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from 10.09.2026 to 09.10.2026.

10. The applicant shall report to the Medical Superintendent, Civil Hospital, Asarwa, Ahmedabad, who shall assign appropriate duties to the applicant. On completion of the aforesaid period, the Medical Superintendent shall issue a certificate confirming satisfactory completion of the community service and shall also forward the same to the Registrar (General) of this Court. In the event of any absence, default or misconduct on the part of the applicant during the course of the community service, the same shall be immediately reported to this Court for appropriate orders, including revival of the FIR. The Medical Superintendent, Civil Hospital, Asarwa, Ahmedabad, shall, while submitting the certificate/report regarding completion of the community service by the applicant, specifically mention the nature and details of the community services performed by the applicant, the dates on which such services were performed, the duration/hours for which the applicant rendered such services, the duties assigned to him and the manner in which the same were discharged. The report shall also specifically state whether the applicant remained present regularly and performed the assigned duties satisfactorily throughout the period of community service. The said report, along with the certificate of satisfactory completion, shall

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be forwarded to the Registrar of this Court for being placed on record.

11. Additionally, the applicant shall deposit an amount of Rs.50,000/- with the Registry of this Court, which shall be transferred to Shishu Gruh, Paldi, Ahmedabad, within a period of 10 days from today. The applicant shall also remain bound by the undertaking furnished before this Court. In the event of any breach or default of the undertaking, the complainant shall be at liberty to seek revival of the FIR and pursue such remedies as may be available under law. The Shishu Gruh, Paldi, Ahmedabad, shall utilise the amount of Rs.50,000/- exclusively for the welfare, care, education and other legitimate needs of the children residing therein. The concerned authority of Shishu Gruh shall maintain proper accounts and records with regard to the utilisation of the said amount and shall submit a statement of accounts, along with supporting details, to the Registry of this Court within a period of four weeks from the date of receipt of the said amount.
12. The learned Trial Court shall not hand over the mobile phone to the present applicant.
13. In view of the aforesaid exceptional circumstances and subject to strict compliance with the directions issued herein-above, this Court is of the opinion that

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continuation of the impugned criminal proceedings would serve no useful purpose and would amount to an abuse of the process of law and deserves to be quashed and set aside.

14. Resultantly, present application is allowed. The impugned FIR being C.R. No. 11191020250468 of 2025 registered with Vastrapur Police Station, Ahmedabad and all consequential proceedings arising therefrom are quashed and set aside qua the present applicant.
15. Registry shall accept the vakalatnama filed by the learned advocate Mr. S.D.Broacha for the respondent No.2.
16. Direct Service is permitted.

M.M.MIRZA

(M. K. THAKKER,J)