IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION - NEGOTIABLE INSTRUMENT ACT) NO. 776 of 2021
With
CRIMINAL MISC.APPLICATION (DIRECTION) NO. 1 of 2022
In R/CRIMINAL REVISION APPLICATION NO. 776 of 2021

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AYUSHDEEP REALTY PVT. LTD & ANR.
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR JM BAROT(143) for the Applicant(s) No. 1,2
MR DHRUV R THAKKAR(11280) for the Respondent(s) No. 2
MR UVESH M SHAIKH(11313) for the Respondent(s) No. 2
MR ROHAN SHAH, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR.JUSTICE P. M. RAVAL**

Date : 04/12/2025

ORAL ORDER

1. *Rule*. Learned Additional Public Prosecutor as well as learned advocate appearing for the original complainant waive service of notice of Rule on behalf of the respective respondents.

2. Considering the issue involved in the present application,

with the consent of the learned advocates appearing for the respective parties as well as considering the fact that the dispute amongst the applicant and original complainant has been resolved amicably, this application is taken up for final disposal today as alleged offence is compoundable.

3. By this revision application under Section 397 r/w. 401 of the Criminal Procedure Code, 1973, the applicants have prayed for quashing and setting aside the judgment and order dated 29.08.2018 passed by the learned Additional Chief Metropolitan Magistrate, Court No. 30, Ahmedabad in Criminal Case No. 1353 of 2015, whereby the trial Court held the applicants guilty for the offence under Section 138 of the Negotiable Instruments Act, 1881 (for short "NI Act") and the applicant No. 2 was sentenced to undergo Simple Imprisonment (SI) of two years. The applicants were also directed to pay the cheque amount to the original complainant as compensation. The said order was assailed before the learned Additional Sessions Judge, Court No. 24, City Sessions Court, Ahmedabad by way of Criminal Appeal No. 561 of 2018, which came to be dismissed *vide* judgment and order dated 18.10.2021 and the order of conviction has been confirmed and upheld. Aggrieved thereby, this revision application is filed.

4. Learned advocate for the applicants has taken this Court through the factual matrix arising out of the present application.

However, it is submitted that the parties have amicably resolved the issue. It is further submitted that in view of the fact that the dispute is resolved, present application deserves consideration.

4.1 The learned advocate for the applicants, on instructions, also states that 10% of the cheque amount towards compounding charge has already been deposited before the Gujarat State Legal Services Authority, as per order dated 22.09.2025 passed in this application.

5. Learned advocate for original complainant has reiterated the contentions raised by the learned advocate for the applicant. The complainant affirms the *factum* of settlement. He has also filed an affidavit, which is on record, stating therein that he has no objection if the judgment and orders impugned in this revision application are quashed and set aside. He also states that he has filed the affidavit without any coercion, threat or undue influence. The original complainant has declared before this Court that the dispute between the applicant and the original complainant is resolved and cheque amount has already been received by the original complainant and therefore, now the grievance stands redressed. It is, therefore, submitted that the present application may be allowed.

6. Learned Additional Public Prosecutor appearing for the State has submitted that in the facts and circumstances of the case and in view of the extant law, Court may pass appropriate orders.

7. Considering the fact that the dispute is settled between the parties and that the applicant has paid the cheque amount to the complainant and said fact has been confirmed by the complainant, as the offence is compoundable one at any stage under Section 147 of the NI Act.

8. Resultantly, this revision application is allowed. The judgment and orders impugned in this revision application, referred to herein above, are hereby quashed and set aside. The applicant is acquitted of the present charge. Bail bond and surety, if any, shall stand discharged. Rule is made absolute to the aforesaid extent.

8.1 In view of main revision application is disposed of, Criminal Misc. Application No. 1 of 2025 does not survive and the same stands disposed of accordingly.

8.2 **Direct service** is permitted.

[P. M. Raval, J.]

hiren/DB-179-tss41225

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: HIREN VIRENDRABHAI MER(HC00351), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 04/12/2025 17:12:00