IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC. APPLICATION (FOR CONSENT QUASHING) NO. 12711 of 2026

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RAJUBHAI SANKABHAI RABARI
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR MANISH J PATEL(2131) for the Applicant(s) No. 1
MR JAY MEHTA, APP for the Respondent(s) No. 1

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

Date : 09/06/2026

ORAL ORDER

1. Learned advocate Mr. Bhavik Pandya states that he has instructions to appear on behalf of the respondent No. 2 herein – original complainant and shall file his Vakalatnama before the Registry. Registry to accept his Vakalatnama.

2. *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.

3. 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.

4. By this application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS"), the applicant has prayed for quashing and setting aside the judgment and order dated 24.09.2025 passed by the learned Chief Judicial Magistrate, Gandhinagar in Criminal Case No. 1334 of 2022, whereby the trial Court held the applicant guilty for the offence under Section 138 of the Negotiable Instruments Act, 1881 (for short "NI Act") and sentenced, against which, an appeal being Criminal Appeal No. 372 of 2025 came to be filed, which was rejected by the learned Principal Sessions Judge, Gandhinagar *vide* judgment and order dated 01.06.2026 confirming the judgment and order of the trial Court. Aggrieved thereby, this application is filed.

5. Learned advocate for the applicant 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.

6. Learned advocate for original complainant has reiterated the contentions raised by the learned advocate for the applicant.

Original complainant – Yadav Bhrugunathsinh Shrihirasinh 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 application are quashed and set aside. He also states that he has filed the affidavit without any coercion, threat or undue influence, on his own volition. On inquiry made by the Court, 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.

7. 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.

8. Considering the fact that the dispute is settled between the parties and that the applicant has paid the due 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.

9. Resultantly, this application is allowed. The judgment and orders impugned in this application, referred to herein above, are hereby quashed and set aside. The applicant is acquitted of the

present charge.

9.1 The amount of Rs.1,40,000/- deposited before the first appellate Court in Criminal Appeal No. 372 of 2025 be given to the original complainant after due verification to which, the applicant – accused has no objection.

9.2 The applicant is reported to be in jail. Accordingly, the applicant is directed to be released from jail forthwith, if he is not required in any other case.

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

[P. M. Raval, J.]

hiren/MKTJ/61tss9626

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 09/06/2026 17:09:57