IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION (FOR CONSENT QUASHING) NO. 15472 of 2026

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SIKANDARALI FAKIR MOHAMMAD SAIYED

Versus

STATE OF GUJARAT & ANR.

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Appearance:
MR. JAY M THAKKAR(6677) for the Applicant(s) No. 1
MR HARDIK MEHTA, ADDL. PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE J. C. DOSHI**

Date : 28/10/2026

JUDGMENT

1. **Rule returnable forthwith.** Learned APP waives service of notice of Rule for and on behalf of respondent - State. Learned advocate Mr. Bhavik Samani waives service of notice of Rule for and on behalf of respondent No.2-original complainant.

2. The present application is filed under section 528 of Bharatiya Nagrik Suraksha Sanhita, 2023 for quashment of the judgment and order dated 9.10.2023 passed in Criminal Case No.522/2021 by the learned Principal Senior Civil Judge & Additional Judicial Magistrate First Class, Godhra & judgment and order dated 21.1.2026 passed by the learned Addl. Sessions Judge, Godhra in Criminal Appeal No.103 of 2023, whereby, the present petitioner was convicted for the offence punishable under section 138 of the N.I.Act.

3. At the outset, it is submitted by learned advocates for

the respective parties that the dispute is resolved between the parties and the complainant has given no objection if the order of conviction is quashed and set aside. The complainant is present before this Court, identified by the learned advocate on his/her behalf who has filed an affidavit in support of the petitioner.

4. Having heard learned counsel appearing for the respective parties, as well as considering the facts and circumstances arising out of the present application, settlement affidavit and also taking into consideration the decisions rendered in the cases of ***Gian Singh Vs. State of Punjab & Anr.***, *reported in* ***(2012) 10 SCC 303***, ***Madan Mohan Abbot Vs. State of Punjab***, *reported in* ***(2008) 4 SCC 582***, ***Nikhil Merchant Vs. Central Bureau of Investigation & Anr.***, *reported in* ***2009 (1) GLH 31, Manoj Sharma Vs. State & Ors.***, *reported in* ***2009 (1) GLH 190*** *and* ***Narinder Singh & Ors. Vs. State of Punjab & Anr.*** *reported in* ***2014 (2) Crime 67 (SC)*** *as well as* ***State of Haryana Vs. Bhajanlal reported in AIR 1992 SC 604***, it appears that continuing further with the criminal proceedings in relation to the impugned FIR and the Criminal Case against the applicants-accused would be an unnecessary harassment to the applicants-accused. It further appears that the trial would be a futile exercise and further continuing with the criminal proceedings pursuant to the impugned FIR and the Criminal Case would amount to abuse of process of law. Hence, to secure the ends of justice, the impugned FIR as well as the proceedings of the Criminal Case, so also all other

consequential proceedings are required to be quashed and set aside in exercise of the powers conferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. This Court has also referred the decision rendered by the Apex Court in the case of ***SANJABIJ TARI V/S KISHORE S BORCAR & ANR***, reported in ***2025 LawSuit(SC) 1302,*** wherein it is held that since a very large number of cheque bouncing cases are still pending and interest rates have fallen in the last few years, this Court is of the view that it is time to 'revisit and tweak the guidelines'. Accordingly, the aforesaid guidelines of compounding are modified as under:-

> "THE GUIDELINES
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> “(a) If the accused pays the cheque amount before recording of his evidence (namely defence evidence), then the Trial Court may allow compounding of the offence without imposing any cost or penalty on the accused.
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> (b) If the accused makes the payment of the cheque amount post the recording of his evidence but prior to the pronouncement of judgment by the Trial Court, the Magistrate may allow compounding of the offence on payment of additional 5% of the cheque amount with the Legal Services Authority or such other Authority as the Court deems fit.
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> (c) Similarly, if the payment of cheque amount is made before the Sessions Court or a High Court in Revision or Appeal, such Court may compound the offence on the condition that the accused pays 7.5% of the cheque amount by way of costs.
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> (d) Finally, if the cheque amount is tendered before this Court, the figure would increase to 10% of the cheque amount.”

6. Considering the overall submissions and the fact that the parties have amicably settled the dispute, present application is allowed. The judgment and order dated 9.10.2023 passed in Criminal Case No.522/2021 by the learned Principal Senior Civil Judge & Additional Judicial Magistrate First Class, Godhra & judgment and order dated 21.1.2026 passed by the learned Addl. Sessions Judge, Godhra in Criminal Appeal No.103 of 2023 are hereby quashed. In view of the quashment of the FIR and the subsequent proceedings arising therefrom, the applicant shall be released forthwith, if not required in connection with any other case.

7. The present petitioner is directed to deposit an amount equivalent to 7.5% of the cheque amount i.e. Rs.77,475/- with the DLSA, Godhra within a period of two weeks from today. The remaining amount deposited by the petitioner either before the learned Sessions Court or before the learned trial Court shall be disbursed to the petitioner.

8. If the petitioner accused fails to deposit the aforesaid amount within stipulated time period, the same shall be recovered as fine. Necessary recovery warrant shall also be issued and the concerned Collector shall recover the aforesaid amount as arrears of land revenue.

Rule is made absolute accordingly.

(J. C. DOSHI,J)

SHEKHAR P. BARVE

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SHEKHAR PRAFULBHAI BARVE(HC00200), Principal Pvt. Secretary, at High Court of Gujarat on 28/10/2026 16:57:04