IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION - NEGOTIABLE INSTRUMENT ACT) NO. 2929 of 2026

With
CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO. 1 of 2026
In R/CRIMINAL REVISION APPLICATION NO. 2929 of 2026

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AFASHARBANU FAJALAHEMAD SHAIKH
Versus
DIWAN YASMINBEN IRFANSHA & ANR.

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Appearance:
MS RENU VERMA(5964) for the Applicant(s) No. 1
MR NIRAJ SHARMA, APP for the Respondent(s) No. 2

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CORAM:**HONOURABLE MR. JUSTICE R. T. VACHHANI**

Date : 04/11/2026

ORAL ORDER

1. Rule. Learned APP waives service of Notice of Rule on behalf of the respondent – State.

2. Learned advocates for the respective parties have submitted that the matter is settled between the parties.

3. After verifying voluntary character of the compromise, by which the complainant has compounded the offence of section 138 of NI Act, which is permissible in view of section 147 of NI Act and as the parties have amicably settled their dispute, impugned order of conviction and sentence passed by the learned Trial Court and confirmed by the learned first appellate Court is required to be quashed and set aside in order to secure ends of justice and accordingly, they are quashed and set aside.

4. In view of this, the applicant shall not be under obligation to serve the remaining sentence and the applicant shall be

treated as acquitted on account of compounding of offence with the complainant.

5. In light of the decision rendered by the Honble Apex Court in the case of ***Damodar S. Prabhu V/s. Sayed Babalal H., AIR 2010 SC 1907***, the applicant is required to compounding charges by way of cost in accordance with the guidelines laid-down in the said decision. In para 17 of the said decision, the Honble Apex Court has also observed that the Court can reduce the costs with regard to the specific facts and circumstances of the case.

6. Learned advocate for the applicant has produced the receipt of depositing 10% of the cheque amount towards compounding charges by the applicant, as directed by this Court in earlier order dated 29.10.2026, the same is ordered to be taken on record.

7. Accordingly, the present application stands allowed. Rule is made absolute to the aforesaid extent.

8. Pending application, if any, stand/s disposed of accordingly.

(R. T. VACHHANI, J)

CDP

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: CHIRAG DESHRAJ PAL(HCD0072), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 04/11/2026 17:04:06