IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION - NEGOTIABLE INSTRUMENT ACT) NO. 3145 of 2026

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YATINKUMAR KANTILAL PATEL
Versus
SHANTIBHAI SOMABHAI PARMAR & ANR.

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Appearance:
MR PIYUSH B TRIVEDI(12401) for the Applicant(s) No. 1
MR ROHAN H RAVAL ADDITIONAL PUBLIC PROSECUTOR for the Respondent(s) No. 2

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

Date : 03/11/2026

ORAL ORDER

1. Rule. Learned APP waives service of notice of rule for the respondent – State and learned advocate Mr. Rohan H Raval waives service of rule for respondent No.2 – original complainant.

2. Both the parties to the proceedings, filed under Section 138 of the Negotiable Instruments Act, submit that the matter is settled between the parties and in support thereof, the respondent No.2 – original complainant files an affidavit which is ordered to be taken on record.

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. reported in AIR 2010 SC 1907***, the 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. It is submitted by learned Advocate for the petitioner that the petitioner has deposited amount of Rs.1,40,000/- before the learned City Civil and Sessions Court, Ahmedabad and in consideration thereof, has produced the true copy of some of the documents. Accordingly, same amount is to be disbursed in favour of the petitioner herein, by way of account payee cheque after due verification of identity.

7. Rule is made absolute to the aforesaid extent. Direct service permitted. Since the applicant has surrendered before the Jail authority, the Jail Authority is directed to release the applicant forthwith if not required in any other case.

(R. T. VACHHANI, J)

PARMAR KRISH/SB04

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PARMAR KRISH(HC02348), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 03/11/2026 17:32:20