IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER) NO. 26906 of 2026

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MANSURI SAHIDBHAI HABIBBHAI
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR FEHAD A MEMON(13378) for the Applicant(s) No. 1
DIVYANGANA JHALA APP for the Respondent(s) No. 1
MR AVESH PATHAN for the Respondent(s) No.2

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CORAM:**HONOURABLE MS. JUSTICE GITA GOPI**

Date : 06/11/2026

ORDER

1. **RULE**. Learned advocates waive service of Rule on behalf of the respective respondents.

2. By way of this application, the applicant prays to quash and set aside the judgment and order of conviction and sentence dated 02.09.2024 passed by the learned 6th Additional Civil Judge & Additional Judicial Magistrate First Class, Mehsana in Criminal Case no. 8742 of 2023, which is confirmed by the judgment and order dated 20.03.2025 passed by the learned 3rd Additional Sessions Judge, Mehsana in Criminal Appeal no. 583 of 2024.

3. Learned advocate for the applicant submitted that during the pendency of the proceedings, parties have settled the

disputes amicably outside the Court and that there remains no grievance between them.

4. Learned advocate for respondent no.2 – original complainant has placed on record the affidavit of settlement filed by the respondent no.2–original complainant and stated that the complainant has received an amount as agreed between the parties and the complainant does not want to pursue the matter now in view of amicable settlement and has given consent for compounding the offence. The same is taken on record. Today, respondent no.2 is present before this Court through virtual mode and has affirmed the contents of the affidavit and is identified by learned advocate for respondent no.2. Learned advocate seeks permission to file Vakalatnama. Let Vakalatnama be accepted.

5. Since the complainant has given consent for compounding the offence, keeping in mind the object of Section 147 of the NI Act, which is an enabling provision which provides for compounding the offence and may require the consent of the aggrieved for compounding the offence, however, the specific provision under Section 147, inserted by way of amendment towards special law, would give overriding effect to sub-section (1) of Section 320 of the Code of Criminal Procedure, 1973 as has been observed in the case of **Damodar S. Prabhu v. Sayed Baba Lal**, **AIR 2010 SC 1907**. Accordingly, as the dispute has been resolved and the amount has been paid to the complainant, in consonance

with the object of the N.I. Act and the provisions under Section 147 thereof, the matter is considered as compounded.

6. In aforesaid view of the matter, the judgment and order passed by the learned Trial Court of conviction and sentence for the offence punishable under Section 138 of the NI Act, as affirmed by the learned Appellate Court, are quashed and set aside.

7. Accordingly, the present application is allowed in the above terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(GITA GOPI,J)

Vikramsinh Amarsinh

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: VIKRAM SINGH(HCW0055), English Steno Grade II, at High Court of Gujarat on 06/11/2026 15:12:36