

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CRIMINAL APPLICATION (FOR CONSENT QUASHING) NO.  
7151 of 2025**

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SANDIPBHAI POPATBHAI DHADUK

Versus

STATE OF GUJARAT &amp; ANR.

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Appearance:

MR ASHISH M DAGLI(2203) for the Applicant(s) No. 1

MR MANAN MEHTA, APP for the Respondent(s) No. 1

MR NEEL JOGRANA, ADVOCATE for the Complainant

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CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR****Date : 30/06/2025****ORAL ORDER**

[1] Rule. Learned advocates waives service of rule for the respective respondents.

[2] By this petition under Article 227 of the Constitution of India, read with Section 528 of the BNSS, the petitioner has sought quashing of the order dated 17.01.2025 passed by the learned JMFC, Lodhika, Rajkot, in Criminal Case No.1458/2021, by which the petitioner has been convicted and ordered to undergo simple imprisonment for a period of one year and to pay the remaining amount of Rs.11,30,000/- towards compensation to the complainant within one month and in default of payment of the said amount, the petitioner to undergo further simple imprisonment for a period of three months and as the petitioner was not present when the judgment was pronounced, the learned Magistrate issued Non-bailable warrant under Section 70 of the Cr.P.C. against the petitioner.

[3] It appears that the settlement has been arrived at between the complainant and present petitioner and the entire cheque amount has been paid to the respondent complainant, which has been confirmed by the complainant by detailed affidavit, which is produced on record separately,

the same is taken on record. The complainant do not wish to proceed further and is willing to compound the offence. Accordingly, the petitioner by filing this petition, seeks compounding of the offence under Section 147 of the Negotiable Instruments Act.

[4] The petitioner also submits that the petitioner is willing to deposit costs as directed by the Supreme Court in case of **Damodar S. Prabhu Vs. Sayed Babalal H.**, reported in **(2010) 5 SCC 633**, with the Legal Service Authority.

[5] In case of **Kripalsingh Pratapsingh Vs. Salvinder Kaur Hardisingh Lohana** reported in **(2004)2 GLH 544**, the Coordinate Bench of this Court after considering various decisions of the Apex Court, took a view that it would be permissible for the High Court in exercise of its inherent powers under Section 528 of the BNSS, to record the settlement arrived at between the parties and acquit the accused of the charges.

[6] Thus, taking into account the fact of settlement, the compounding of the offence is hereby permitted. The petitioner has preferred present petition directly before this court, but as parties have arrived at an amicable settlement and under Section 147 of the Act, at the admission stage also, offence is compoundable.

[7] As a result, the petition is allowed. The order dated 17.01.2025 passed by the learned JMFC, Lodhika, Rajkot, in Criminal Case No.1458/2021 and warrant issued by it are hereby quashed and set aside. The petitioner is acquitted of the offences under the provisions of the Negotiable Instruments Act. The petitioner is directed to deposit 15 % of the cheque amount i.e. Rs.2,32,500/- (15 % of cheque amount of Rs.15,50,000/-) with the Gujarat State Legal Services Authority within a period of one week from the date of receipt of this order. Rule is made absolute to aforesaid extent. Direct service permitted.

**(HASMUKH D. SUTHAR,J)**

SUCHIT