

**IN THE DISTRICT & SESSIONS COURT,  
BANASKANTHA AT PALANPUR**

**Order below Exh.1**

**IN**

**Criminal Appeal No.45/2026**

- (1) The Appellant is the Original Accused and the Respondent No. 2 is the Original Complainant hence, hereinafter they are referred as Accused and Original Complainant respectively for the sake of brevity.
- (2) The Accused has challenged the order and judgment dated 20.01.2026 passed by the learned Chief Judicial Magistrate, Palanpur in Criminal Case No. 5667/2018. The impugned order and judgment had the effect of convicting the accused for having committed an offence punishable under Section 138 of the Negotiable Instrument Act. Being aggrieved by such order and judgment, present appeal has been filed by the accused.
- (3) The Original Complainant as well as Accused and their respective learned Advocates remained present before this Court and submitted an application at Exh.9 stating therein that, the accused had paid up the amount under the cheque to the complainant and matter is being settled between the parties hence, they sought permission to settle the dispute, accordingly, permission is granted. Parties are entered into compromise. Compromise pursis is filed at Exh. 10. Complainant

appeared and he has admitted the contents of the compromise pursis and further, he admitted that now dispute is settled and now no further amount or outstanding amount *qua* disputed cheque.

- (4) As offence under Section 138 of N.I. Act is bailable and compoundable one, keeping in mind the provision of Section 147 of the N.I. Act, I am inclined to record the compromise. Since parties are not intended to proceed further with the matter and as today the matter is settled in the National Lok Adalat, therefore, considering the law laid down by the ***Honourable Supreme Court*** in case of ***Damodar S. Prabhu V/s Sayed Babalal H.*** reported in ***AIR 2010 SC 1907*** and taking note of the decision of ***Madhya Pradesh State Legal Services Authority - Pratik Jain reported in 2014 (10) SCC 690*** wherein ***Honourable Supreme Court*** has said that no restriction on Lok Adalat to pass award as per settlement arrived between the parties and taking note of result of positive attitude of the parties in appropriate case, permission is granted to waive the amount of cost. Having noted that the parties have settled the dispute amicably, therefore, I am inclined to waive the compounding charges and I record the compromise.
- (5) in view of the Compromise Pursis Exh.10, without going into merits of the present case, the matter requires to be brought to a logical end, accordingly, I pass the following order:

**-:: ORDER ::-**

1. Present appeal is allowed.
2. Judgment and order of conviction passed by learned Chief Judicial Magistrate, Palanpur in Criminal Case No.5667/2018 dated 20.01.2026 is hereby quashed and set aside.
3. A copy of this order be sent to the learned trial Court, forthwith.

Pronounced in the open Court today, this **14<sup>th</sup> day of March, 2026.**

**PALANPUR**

**Date:14/03/2026**

VISHAL

**(Shubhada Krishnakant Baxi)**  
**SESSIONS JUDGE,**  
**B.K.DISTRICT, PALANPUR**  
**(Code-GJ00377)**