



**IN THE COURT OF 3RD ADDITIONAL SESSIONS JUDGE
AT GANDHINAGAR**

Criminal Appeal No.274 / 2024

Exh.22

1. M. S. Fly Immigration Partnership Firm,
2. Siddharth Kishankumar Panchal,
Age : 39, Occupation : Business,
Residing at 1371, Deydini Pol,
Rangati Kapad Bazzar, Ahmedabad. ...Appellant

Vs.

- 1 Jaydevkumar Kantibhai Amin (Main Complainant).
Power of Attorney of Harsh Jaydevkumar Amin,
Age : Adult, Residence of 61, Nehrupark Society,
Taluka : Dahegam, District : Gandhinagar.
2. State of Gujarat,
Through Government Pleader,
Gandhinagar. ...Opponent/s

Subject : Criminal Appeal under Section 374 of the Cr.P.C.

Appearance:

Ld. Advocate Mr. S. G. Christian for the appellant.
Ld. Advocate Mr. M. G. Amin for opponent no.1.
Ld. A.P.P., Mr. P. D. Vyas for opponent no.2.

:: JUDGMENT ::

1. The present criminal appeal Under Section 374 of Cr.P.C. has been preferred by the appellant/original accused praying to quash and set aside the impugned judgment and order dated 14/09/2023 passed by the

learned Addl. Judicial Magistrate First Class, Dahegam, Gandhinagar in **Criminal Case No.549 of 2018**, convicting the appellant/accused for the offence punishable under section 138 of the Negotiable Instrument Act and sentenced to undergo simple imprisonment for a period of one year and ordered to pay amount of Rs.10,000/- as fine, if failed to pay the said amount accused shall go for further imprisonment of six month/s.

2. During pending the hearing and final disposal of this appeal, the settlement with regard to the amount of the disputed cheque has been arrived at by and between the accused and the original complainant. They have submitted the joint compromise pursis at **Exh.19** duly signed by them and their respective Ld. Advocates and the same is read over and explained to them. They have admitted the contents of the compromise pursis **Exh.19** and also admitted their signatures made therein. By way of tendering the compromise pursis, both the parties have admitted that the dispute has been amicably settled between them. Now, no any kind of dispute is pending between them and thus, the appellant/accused has requested this Court to acquit him as the matter is settled.
3. Section 147 of the Negotiable Instrument Act, 1881 provides compounding of the offence at any stage. Section 147 reproduced as under:
"147. Offences to be compoundable:- Notwithstanding anything contained in the Code of Criminal Procedure Code, 1973 (2 of 1974), every offence punishable under this Act shall be compoundable."
4. As the original complainant and the accused have compromised the matter under section 147 of the N.I. Act, the compromise pursis is ordered to be recorded. Section 147 of the Act permits compounding of such offences.

5. Further, considering the ratio laid down by the Hon'ble Apex Court in 2014(10) SCC 690 Madhya Pradesh State Legal Services Authority V Prateek Jain it has been held that in appropriate case the court has power to waive the cost in Lok Adalat if due to positive attitude of the parties settlement is arrived in Lok Adalat. Hence, considering the fact that the present appeal is settled, parties have amicably settled the dispute it be just and proper to waive the cost so as to avoid hardship to the appellant. Moreover, Hon'ble Supreme Court has in the case of Rajeev Khandelwal V/s. State of Maharashtra and Anr. in Slp (Cri) No.1430 of 2025 held that when complainant does not want any further amount and appellant - accused has expressed his inability to comply with the same then normally cost could not be imposed.
6. Considering the aforesaid facts, it is crystal clear that the dispute between the complainant and the accused has been amicably resolved and settled between them. The Ld. Advocates appearing on behalf of the complainant and the accused have confirmed the said fact also. Thus, it seems that the matter has been settled amicably between the parties. The parties have settled their disputes in respect of the disputed cheque and Ld. Advocate for the complainant has confirmed the said fact also. Considering the facts and circumstances of this appeal and also considering the fact that the dispute between the complainant and the accused have been resolved and settled amicably in Lok-adalat and further considering the financial condition of the accused and facts and circumstances of the case, this Court do not find it proper to impose any cost and/or penalty on the appellant.
7. Further, application vide Exh.21 filed by the opponent (original complainant) that compromise has been made between both the parties and appellant has deposited Rs.1,10,000/- before the court and the said

amount be paid to opponent no.1. Original accused / appellant has endorsed no objection in this regard. As per the endorsement of Nazir, District Court, Gandhinagar on this application, Rs.1,10,000/- is deposited before this court in three parts i.e. Rs.30,000/- on dated 20.09.2024, Rs.50,000/- on dated 17.11.2025 and Rs.30,000/- on dated 25.10.2024. Hence, the dispute between the parties have been resolved, the judgment and order passed by the learned trial court convicting the appellant/accused deserves to be quashed and set aside. Hence, in view of the above, I pass the following order:-

:: O R D E R ::

1. This **Criminal Appeal No.274 of 2024** is hereby allowed.
2. The impugned judgment and order dated 14/09/2023 passed by the learned Addl. Judicial Magistrate First Class, Dahegam, Gandhinagar in **Criminal Case No.549 of 2018**, hereby quashed and set aside and consequently, the appellant-accused is ordered to be acquitted of the charges under section 138 of the N.I.Act.
3. Nazir is directed to pay the deposited amount of Rs.1,10,000/- (Rupees One Lakh Ten Thousand Only) in this case to the opponent no.1 (Original Complainant) i.e. Jaydevkumar Kantibhai Amin (PoA) of Harsh Jaydevkumar Amin through cheque after due verification.
4. R & P, if any, be sent back to the trial court forthwith.
5. Bail and bond stands cancelled.

Order signed and pronounced today on this National Lok-Adalat held on 11th day of July, 2026.

Date : 11/07/2026
Place: Gandhinagar.

[Piyush Mahendrabhai Unadkat]
3rd Additional Sessions Judge
Gandhinagar (GJ00716)