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**IN THE COURT OF 4th ADDITIONAL SESSIONS JUDGE,
AT MAHESANA.**

Criminal Appeal No. 125 of 2025
Exh.

APPELLANT (ORIGINAL ACCUSED):-

Jayeshkumar Dalwadi
Age: 66, Occupation : Business,
Resi. 11/A, Prabhuli Society, Near Hardwar Nagar,
Harni Road, At Post Ta. Dist. Vadodara.

V/S.

RESPONDENT(ORIGINAL COMPLAINANT)

- (1) The State of Gujarat.
- (2) Shaileshkumar Jivanbhai Parmar
Age : 13, Navratna Society,
Resi. b/h G.E.B., Visnagar Link Road,
at Post Mahesana.

ADVOCATES:-

- Ld. Advocate Shri. A.M.Thakkar for the appellant.
- Ld. APP Shri. N.S.Shah for the opponnet No.1
- Ld. Advocate Shri C.M. Shah for opponnet No.2

SUBJECT: Criminal Appeal under section 374 of the Criminal
Procedure Code.

:: JUDGMENT ::

1. The present appeal has been preferred by appellant/accused with a prayer to quash and set aside the impugned judgment and order dated 29.01.2025 passed in Criminal Case No. 5908/2019 by 8th Additional Judicial Magistrate First Class, Mahesana by which the appellant-accused has been convicted for offence punishable u/s 138 of the N.I. Act and sentence to undergo simple imprisonment for 2 years and further order to pay compensation of Rs.1,75,000/- to complainant within 60 days and in default thereof appellant has to undergo further simple imprisonment for 3 months.

2. Both the parties have made request vide **Exh.18** that dispute between them has been settled, so they may be granted permission for purpose of compromise in this matter. The full amount has been given by the appellant-original accused to the respondent-original complainant and no any due amount is remaining and the matter has been settled. Both the parties and their Ld. Advocates have admitted the contents of the **Exh.18**, so it becomes very clear that the matter has been settled therefore the permission has been granted for purpose of compromise. It is further submitted that they do not want to proceed the matter. The parties are present and their Ld. Advocates are also present and they have admitted that the appellant has paid the settlement amount of cheque to the original complainant-respondent and the dispute between the parties has been settled and they have also admitted their signatures in the compromise pursis vide **Exh.18** and no any due amount is remaining. The matter has been settled finally and therefore they do not want to proceed matter and they have requested to accept compromise.

3. Considering above facts, it becomes very clear that the matter has been settled finally without any pressure and parties have settled their dispute willingly and therefore compromise is hereby accepted and request made by the parties to this Court to quash and set aside the order passed in Criminal Case No.5908/2019 passed by 8th Additional J.M.F.C. Mahesana on 29.01.2025 is hereby accepted.
4. In view of submission made by Ld. Advocate by parties & compromise pursis, the matter has been settled between the parties. The complainant has also admitted that he has received the amount, therefore the appellant is permitted to compound the offence for which he has been convicted i.e. under section 138 of the N.I.Act.
5. In view of aforesaid facts and circumstances of case, parties have settled their dispute and appllant has paid the settlement amount to the respondent i.e. the original complainant. So, the appellant has also requested this Court to permit him to compound the offence. Considering the decision of the Hon'ble Supreme Court in the case of the **Damodar S. Prabhu(Supra)**, the appellant is permitted to compound the offence u/s 138 of the Negotiable Instruments Act, for which he has been punished and convicted.
6. At this stage, it is also pertinent to note that Ld. Advocate for appellant has submitted that appellant has been facing crucial situation and he is not sound economically. Therefore, he may be exempted from amount of costs. I have considered the submission made by Ld. Advocate for appellant and the respondent, therefore, the appeal deserves to be allowed. Hence, I pass following order:-

: ORDER :

1. This appeal is hereby allowed.
2. The impugned judgment and order dated 29.01.2025 is hereby quashed and set aside. Consequently, the appellant-accused is hereby ordered to be set at liberty forthwith.

Pronounced in today's National Lok-Adalat on 14th Day of March, 2026.

Place: Mahesana

Date :14-03-2026

(S.S.Kale)

4th Additional District Judge,
Mahesana,
Code No.GJ00753