

Order below Exh.1 in Criminal Appeal No.172/2025

- (1) The present Criminal Appeal is preferred against the Judgment and order of conviction dated **19/11/2025** passed in **criminal case No. 4717 of 2024** whereby the Learned 3rd Additional Chief Judicial Magistrate, Porbandar has convicted the present appellant under section 138 of Negotiable Instrument Act with **one year of simple imprisonment** and directed him to pay the cheque amount as compensation to the complainant.
- (2) Against the aforesaid Judgment and Order, the present appellant/original accused preferred the instant Criminal Appeal. The original complainant appeared along with his Advocate and filed a compromise pursis vide **Ex.11** stating the he has compromised the matter with the present accused/appellant and has received the full and final settlement amount. He has submitted that he does not wish to contest the matter anymore and has no objection if the judgment of conviction and fine passed against the accused is set aside.
- (3) Now, it is prayed by the Ld. Advocate for the appellant that the present appeal should be disposed of in view of the settlement and the fact of payment being made to the respondent/original complainant.

(4) I have heard both the parties and perused the record of the case including the compromise pursis of the original complainant. It is not in dispute that the parties have amicably settled their dispute regarding the dishonoured cheques forming part of complaint wherein the order of conviction was recorded. Considering the fact that original complainant/present respondent, has no objection if the present appeal is allowed by setting aside the impugned order and also considering the observation of Hon'ble Supreme Court in the case of M/S. METERS AND INSTRUMENTS PRIVATE LIMITED & ANR. VS. KANCHAN MEHTA, that the object of the provision being primarily compensatory, punitive element being mainly with the object of enforcing the compensatory element, compounding at the initial stage has to be encouraged but is not debarred at later stage subject to appropriate compensation as may be found acceptable to the parties or the Court. Further, the guidelines in Damodar (Supra) have been held to be flexible as may be necessary in a given situation as laid down by the Hon'ble Supreme Court in the matter between Madhya Pradesh State Legal Services Authority versus Prateek Jain and Anr. reported in (2014) 10 SCC 690. Accordingly, the instant criminal appeal is being disposed of in terms of the compromise.

-: ORDER :-

- The present **Criminal Appeal is hereby disposed of in view of the compromise** entered in between the complainant and appellant/original accused **in today's National Lok Adalat.**

(5) **The impugned Judgment dated 19/11/2025** passed in **Criminal Case No. 4717 of 2024** convicting and sentencing the present appellant with simple imprisonment of **one year** and directed him to pay the cheque amount as compensation to the complainant **under** Section 138 of N. I. Act **is hereby set-aside.**

- The appellant is on bail; his bail bond and surety shall remain in force for another period of six months in compliance of Section 437-A of the Code of Criminal Procedure.

Pronounced & signed in the open court on this **14th Day of March, 2026** under my hand and seal.

Date: **14/03/2026**
Place: **PORBANDAR**
Lok Adalat

(M. A. BHATTI)
Sessions Judge,
Porbandar.