

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 618 of 2023**

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JAYDEEPPBHAI KASTURBHAI SUTHAR
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR. ALKESH N SHAH(3749) for the Applicant(s) No. 1
MS MONALI BHATT, APP for the Respondent(s) No. 1
MR MALAY PATEL for Respondent nos.2.1, 2.2.

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 07/05/2026

ORDER

1. Heard learned counsel for the applicant, Ms.Monali Bhatt, learned APP for the respondent-State and Mr.Malay Patel, learned counsel for respondent No.2.1 and 2.2.
2. **Rule.** Learned advocates appearing for the respective respondents waive service of Rule on behalf of the respective respondents.
3. By way of the present revision application filed under Sections 397 and 401 of the Code of Criminal Procedure, the applicant has prayed to quash and set aside judgment and order of conviction and sentence passed by learned JMFC (Main), Vadodara dated 8.4.2022 in Criminal Case No.47946 of 2013 and also judgment and order dated 7.9.2022 passed in Criminal Appeal No.100 of 2022 by learned 4th Additional Sessions Judge, Vadodara.

4. Learned advocate for the applicant has taken this Court through the factual matrix of the present application. At the outset, it is submitted that the parties have amicably resolved the dispute and heirs of the original complainant have filed an affidavit dated 29.4.2026, which is taken on record. It is further submitted that in view of settlement arrived at between the parties, present application deserves consideration.

5. Learned Additional Public Prosecutor appearing for the State has opposed the present application and submitted that considering the seriousness of the offence, the present application may not be entertained.

6. Learned counsel for the heirs of the complainant has submitted that the parties have settled the dispute and they have filed an affidavit and admitted the factum of settlement and has no objection if the present application is allowed.

7. In view of the above, it appears that during the pendency of the present application the matter has been amicably settled between the parties. Having heard the learned advocates for the respective parties and considering the material placed on record, it appears that the dispute between the parties has now been amicably resolved. The complainant has admitted the factum of settlement and has no objection if the prayer is granted. Therefore, no fruitful purpose would be served by continuing the proceedings further.

8. Considering the fact that the dispute is settled between the parties and as offence is compoundable one at any stage under Section 147 of the Negotiable Instruments Act, application deserves consideration. But, as the applicant - accused has settled the dispute at belated stage before this Court, in view of the decision rendered in the case of **Damodar S. Prabhu Vs. Sayed Babalal H, reported in 2010(5) SCC 663**, as well as in view of the decision of the Hon'ble Supreme Court in **Sanjabij Tari vs. Kishore S Boarcarr & Anr.** reported in **2025 INSC 1158**, applicant - accused is required to be saddled with cost of Rs.10,000/-. The applicant accused shall deposit Rs.10,000/- as costs before the State Legal Service Authority within two weeks.

9. Resultantly, the present Revision Application is **allowed**. The impugned judgment and order of conviction and sentence passed by learned JMFC (Main), Vadodara dated 8.4.2022 in Criminal Case No.47946 of 2013 and also judgment and order dated 7.9.2022 passed in Criminal Appeal No.100 of 2022 by learned 4th Additional Sessions Judge, Vadodara, are hereby quashed and set aside, along with all consequential proceedings arising therefrom qua the present applicant subject to aforesaid condition. Bail bond of the applicant - accused stands discharged.

10. The Registry concerned is directed to release the amount, if any, lying with it in favour of the respondent No.2.1 and 2.2-heirs of original complainant.

11. The Jail Authority concerned is directed to release the applicant forthwith, if is in jail and not required in connection with any other offence.

12. Rule is made absolute to the aforesaid extent only. Interim application, if any, also stands disposed of. Direct service is permitted.

R.S. MALEK

(HASMUKH D. SUTHAR,J)