

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 6843 of 2026**

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SALIMBHAI AADAMBHAI VORA

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR. HARSHAD D BAROT(7287) for the Applicant(s) No. 1

MR. MANAN MAHETA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE VIMAL K. VYAS****Date : 27/03/2026****ORAL ORDER**

1. Learned advocate Mr. Manthan Barot appears and submits that he has instructions to appear on behalf of the respondent no.2 - complainant. He is permitted to file his appearance. Registry shall accept his vakalatnama.

2. By way of preferring the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant-accused seeks to invoke the inherent powers of this Court, praying to quash and set-aside the impugned judgment and order dated 03.04.2025 passed by the Additional Chief Judicial Magistrate, Kheda, in Criminal Case No. 422 of 2024 as well as the impugned judgment and order dated 02.03.2026 passed by the learned 6th Additional Sessions Judge, Nadiad, in Criminal Appeal No.184 of 2025, for the offence punishable under Section 138 of the Negotiable Instruments Act, as well as all other consequential proceedings arising pursuant thereto qua the present applicant.

3. Today, when the matter is called out, the complainant, who is personally present before the Court, has produced his identity proof, which is ordered to be taken on the record. The affidavit filed by the complainant is annexed at Annexure - C to the application. In the said affidavit, the complainant has categorically stated that he has received his entire dues amount i.e. Rs.5.90 lakh, and the dispute has been amicably resolved with the applicant. The complainant has further stated that he has no grievance or ill-will against the applicant.

4. Considering the issue involved in the present application as well as considering the fact that the dispute has been amicably resolved between the parties, with the consent of learned advocates appearing for the respective parties, the present application is taken up for final disposal.

5. **RULE** returnable forthwith. Learned APP Mr. Manan Maheta waives service of notice of rule for and on behalf of the respondent no.1 - State and learned advocate Mr. Manthan Barot waives service of notice of rule for and on behalf of the respondent no.2 - complainant.

6. The complainant, who is personally present before the Court, has categorically stated that the dispute has been amicably resolved with the applicant and he has no objection if the application is allowed and the impugned judgments and orders are quashed and set-aside.

7. The relevant paragraphs of the affidavit filed by the

complainant read thus :

"1. I state and submits that I am the complainant of criminal case no. 422 of 2024 wherein order dated 03.04.2025 came to be passed by Ld. Add. JMFC, Nadiad whereby present applicant is convicted for simple imprisonment along with directions to pay the cheque amount of Rs. 5.90 lakh and if the said amount is not paid than further 30 days' simple imprisonment. Being aggrieved and dissatisfied by the said order the applicant had filed Criminal Appeal No. 184 of 2025 before the Court of Ld. Sessions Judge, Nadiad and the same came to be rejected by way of order dated 02.03.2026 by Ld. 6th Additional Sessions Judge, Nadiad and therefore present application came to be filed on the basis of settlement between me and the applicant, wherein I am giving my consent to quash and set aside the above stated order.

2. I state and submits that after the order of conviction passed by the learned Additional JMFC in criminal case no. 422 of 2024 and after passing of order dated 02.03.2026 by the Ld. Session Court, Nadiad, we have settled the disputes and executed settlement agreement is annexed herewith and marked as Annexure-C. I earnestly urge this Hon'ble Court to allow the prayer prayed for by the application and if this Hon'ble Court pleased to quash and set-aside order dated 03.04.2025 passed by the learned Additional JMFC in criminal case no. 422 of 2024 and order dated 02.03.2026 passed by the Ld. Sessions Judge, Nadiad and any other further proceedings then I have no objections."

8. Thus, it appears from the aforesaid that to continue further with the proceedings pursuant to the impugned judgments and orders would be a futile exercise and the same would amount to abuse of process of law.

9. Having heard learned counsel appearing for the respective parties, as well as considering the facts and circumstances arising out of the present application and also taking into

consideration the decisions rendered in the cases of **Gian Singh Vs. State of Punjab & Anr.**, reported in **(2012) 10 SCC 303**, **Madan Mohan Abbot Vs. State of Punjab**, reported in **(2008) 4 SCC 582**, **Nikhil Merchant Vs. Central Bureau of Investigation & Anr.**, reported in **2009 (1) GLH 31**, **Manoj Sharma Vs. State & Ors.**, reported in **2009 (1) GLH 190** and **Narinder Singh & Ors. Vs. State of Punjab & Anr.** reported in **2014 (2) Crime 67 (SC)** as well as **State of Haryana Vs. Bhajanlal** reported in **AIR 1992 SC 604**, it appears that continuing further with the criminal proceedings pursuant to the impugned judgments and orders against the applicant-accused would be an unnecessary harassment to the applicant-accused. It further appears that further continuing with the criminal proceedings pursuant to the impugned judgments and orders would amount to abuse of process of law. Hence, to secure the ends of justice, the impugned judgment and order as well as all other consequential proceedings arising pursuant thereto are required to be quashed and set aside in exercise of the powers conferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

10. In the result, the application is allowed. The judgment and order dated 03.04.2025 passed by the Additional Chief Judicial Magistrate, Kheda, in Criminal Case No. 422 of 2024 as well as the impugned judgment and order dated 02.03.2026 passed by the learned 6th Additional Sessions Judge, Nadiad, in Criminal Appeal No.184 of 2025, for the offence punishable under Section 138 of the Negotiable Instruments Act, as well as all other consequential proceedings arising pursuant thereto are hereby ordered to be quashed and set-aside qua the applicant.

11. Rule made absolute. Direct service is permitted.

12. In view of the ratio laid down by the Supreme Court in the case of **Sanjabij Tari Vs. Kishore S. Borcar [2025 INSC 1158]**, the applicant is directed to deposit 7.5 % of the cheque amount, by way of costs, with the concerned District Legal Service Authority, within a period of 2 weeks from the date of this order.

(VIMAL K. VYAS, J)

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