

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 9287 of 2026**

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SUMRA IKBALBHAI NATHABHAI
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR RISHABH R JAIN(12326) for the Applicant(s) No. 1

MR. ROHAN RAWAL ADDL. PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY

Date : 19/08/2026**ORDER**

1. Present Petition is preferred by the Petitioner (Original Accused) under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, seeking quashing of Criminal Case No. 36065 of 2025 by learned 7th Additional Chief Judicial Magistrate for the offences punishable under Section 138 of the Negotiable Instruments Act.

2. Heard learned Advocate for the Petitioner and learned APP for the Respondent – State. Learned Advocate Mr. Sayar D. Vaghasiya appears and states that he has received instructions to appear on behalf of Respondent No.2 – Original Complainant and he would be filing his Vakalatnama during the course of the day. Registry to accept the Vakalatnama.

3. Rule. Learned APP waives service of notice for and on behalf of the respondent – State and learned Advocate

Mr.Vaghasiya waives service of Rule on behalf of the Original Complainant.

4. Learned Advocate for the Petitioner has submitted that the matter has been amicably settled between the parties and they are now not willing to proceed with the complaint any further.

5. Learned Advocate Mr. Vaghasia appearing on behalf Original Complainant -Vipulkumar I Patankar, has placed on record the Affidavit dated 6th July 2026 He submitted that matter has been amicably settled between the parties and there is no objection if present Petition is allowed. The relevant paragraph from the Affidavit reads thus:

“ 5.I further stated and submit that there is no coercion, fraud or undue influence upon the present complainant and the decision for quashing the order dated 31.12.2025 passed below Criminal Case No. 36065 of 2025 by learned 7th Additional Chief Judicial Magistrate, Ahmedabad below Section 138 of the Negotiable Instruments Act, 1881 has been arrived in an amicable manner between the parties concerned.

6. In view of of what is stated herein above and the settlement arrived at between the parties I state and submit that the petition preferred by the present petitioner be allowed and the order dated 31.12.2025 by learned 7th Additional Chief Judicial Magistrate, Ahmedabad below Section 138 of the Negotiable Instruments Act, 1881 be quashed and set aside only the petitioner herein”

6. Considering averments made in the Affidavit as also

the submissions made by the learned Advocates for the respective parties, the present Application deserves to be allowed and is hereby allowed. The Criminal Case No. 36065 of 2025 as well as judgment and order of conviction passed by learned 7th Additional Chief Judicial Magistrate for the offences punishable under Section 138 of the Negotiable Instruments Act is hereby quashed and set aside qua the present Petitioner. Rule is made absolute.

MARY VADAKKAN

(M. R. MENGDEY,J)