

(2024) 06 GUJ CK 0019
In the Gujarat High Court

Case No : R/Special Criminal Application (Quashing) No. 6479 Of 2024

Shravanbhai Baldevbhai Thakor

APPELLANT

Vs

State Of Gujarat & Anr

RESPONDENT

Date of Decision : 06-06-2024

Acts Referred:

Citation : (2024) 06 GUJ CK 0019

Hon'ble Judges : M. K. Thakker, J

Bench : Single Bench

Advocate : Sankul K Kabra, Divyangna Jhala

Final Decision : Disposed Of

Judgement

M. K. Thakker, J

1. By way of the present application the applicant prays as follows:

“(A) Hon’ble Court be pleased to issue an appropriate order or direction quashing impugned judgment and order dated 12.04.2024 passed by Ld. Judicial Magistrate First Class, Mandal in Criminal, Case No. 328 of 2019;

(B) Pending admission, hearing and final disposal of the present petition, Hon’ble Court be pleased to stay operation, implementation and operation of judgment and order dated 12.04.2024 passed by Ld. Judicial Magistrate First Class, Mandal in Criminal Case No. 328 of 2019;

(C) Any other and further relief which may deem fit in the interest of justice be granted.”

2. Learned advocate for the applicant Mr.Kabra submits that after the judgment and order of conviction was passed by the learned trial court, the matter is amicably settled between the parties and the cheque amount is paid to the complainant. Learned advocate Mr.Kabra submits that in view of the above settlement, this petition is required to be allowed and judgment and order of

conviction is required to be quashed and set aside.

3. On the other hand, learned advocate Mr. Atul.R.Sharma states at bar that he has instruction to appear on behalf of the respondent no.2-original complainant and has filed affidavit of original complainant stating that the matter is settled between the parties and he has no objection if this application is allowed. The affidavit is ordered to be taken on record.

4. In view of the above submissions, this petition is allowed and the impugned judgment and order of conviction is quashed and set aside.

5. The applicant is directed to deposit Rs.15,000/- towards cost pursuant to the judgment of the Apex Court in Damodar S Prabhu Vs Sayed Babalal H, reported in 2010 (5) SCC 663, before the High Court Legal Aid Service Authority within a period of four weeks from the date of this order.

6. In view of the above direction, present application is disposed of accordingly.

7. Direct service is permitted.