HC-KAR

NC: 2026:KHC:61614
CRL.RP No. 17 of 2025

CNR: KAHC010002202025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MRS. JUSTICE GEETHA K.B.

CRIMINAL REVISION PETITION NO. 17 OF 2025

(397(Cr.PC) / 438(BNSS))

BETWEEN:

1. SRI UMESH N
   AGED ABOUT 44 YEARS,
   S/O LATE NANJAIAH,
   R/AT NO. 4, BASAWESHWERA,
   MARGA 1ST BLOCK, 4TH CROSS,
   PRETHI LAYOUT, SRIRAMPURA,
   MYSORE - 570023.

...PETITIONER

(BY SRI.LEELA P DEVADIGA, ADVOCATE)

AND:

1. SRI KRISHNA K
   AGED ABOUT 48 YEARS,
   S/O LATE KALASAIAH,
   R/AT NO. 243, NEETHIMARGA,
   SIDDARTHA LAYOUT ROAD,
   MYSORE - 570011.

...RESPONDENT

(BY SRI. RUPESH KUMAR S.,ADVOCATE)

THIS CRL.RP IS FILED U/S 397 R/W 401 CR.P.C (U/S 438 R/W 442 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING TO ALLOW THIS RP, SET ASIDE THE JUDGEMENT DTD 21.11.2024 PASSED BY THE VII ADDITIONAL SESSIONS

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JUDGE, MYSURU IN CRL.A.NO.308/2024 AND THE JUDGEMENT OF CONVICTION DTD 16.07.2024 PASSED BY THE I ADDITIONAL CIVIL JUDGE AND JMFC, MYSURU IN CC.NO.816/2021 AND CONSEQUENTLY ACQUIT THE PETITIONER OF THE CHARGES FRAMED AGAINST HIM.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE GEETHA K.B.

ORAL ORDER

The revision petitioner and the respondent are present and identified by their respective learned counsels.

2. Both the parties, along with their respective learned counsels, have filed a joint application under Section 320 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') read with Section 147 of the Negotiable Instruments Act, 1881 (in short, 'NI Act'), along with a joint affidavit stating that they have settled the dispute. The relevant terms and conditions of the joint affidavit are extracted below:

> *"2. We state that the Respondent herein had initiated proceedings against the Petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act in C.C.No.816/2021 on the file of the I Additional Civil Judge and JMFC, Mysuru. The*

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learned Magistrate, by judgment dated 16.07.2024, convicted the Petitioner and sentenced him to pay a fine of Rs.3,60,000/-. The said judgment was confirmed by the VII Additional Sessions Judge, Mysuru, in Criminal Appeal No.308/2024 by judgment dated 21.11.2024. Aggrieved by the same, the Petitioner has preferred the above Criminal Revision Petition before this Hon'ble Court.

3. We state that this Hon'ble Court, by an interim order dated 24.01.2025, was pleased to suspend the sentence imposed against the Petitioner, subject to the condition that the Petitioner shall deposit 50% of the fine amount. In compliance with the said order, the Petitioner has deposited a sum of Rs.1,80,000/- (Rupees One Lakh Eighty Thousand only) before the concerned Court on 21.02.2025.

4. We state that during the pendency of the above Criminal Revision Petition, at the intervention of friends and well-wishers, we have amicably settled the dispute among ourselves and have agreed to resolve the matter in terms of the settlement arrived at between us.

5. We state that, as per the settlement arrived at between the parties, the amount of Rs.1,80,000/- already deposited pursuant to the order dated 24.01.2025 shall be adjusted towards the settlement amount, subject to its release to the Respondent. The parties have further agreed that the remaining balance amount payable by the Petitioner to the Respondent is Rs.1,80,000/- (Rupees One Lakh Eighty Thousand only). Out of the said balance amount, the Petitioner has agreed to pay a sum of Rs.30,000/- (Rupees Thirty Thousand only) today, i.e., on 05.11.2026, by way of cash, and the remaining amount of Rs.1,50,000/- shall be paid within 3 months from today, i.e., on or before 05.02.2027."

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3. In view of the settlement, the respondent reports the receipt of a sum of ₹30,000/- from the revision petitioner today. The revision petitioner undertakes to pay the remaining amount on or before 05.02.2027.

4. Upon enquiry and on perusal of the joint application coupled with the joint affidavit, this Court is satisfied that the settlement arrived at between the parties is voluntary and lawful. Hence, the joint application filed under Section 320 of Cr.P.C., read with Section 147 of the NI Act is allowed. The parties are permitted to compound the offence.

5. In view of the settlement, this Court passes the following:

ORDER

(i) The Criminal Revision Petition is ***disposed of*** in terms of the settlement.

(ii) The revision petitioner is acquitted of the offence punishable under Section 138 of NI Act by setting

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aside the judgment of conviction and order of sentence dated 16.07.2024 passed in C.C.No.816/2021 on the file of the I Additional Civil Judge and JMFC, Mysuru which is confirmed in Crl.A.No.308/2024 dated 21.11.2024 on the file of the VII Additional Sessions Judge, Mysuru.

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(GEETHA K.B.)
JUDGE

SPV
List No.: 1 Sl No.: 30