HC-KAR

NC: 2026:KHC:60053
CRL.RP No. 165 of 2024

CNR: KAHC010058922024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

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

CRIMINAL REVISION PETITION NO. 165 OF 2024

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

BETWEEN:

1. MAALAIAH
   S/O DODDAMAALEGOWDA,
   NOW AGED ABOUT 52 YEARS,
   R/AT THANDAVAPURA POST,
   CHIKKAIAHNACHATRA HOBLI,
   NANJANGUD TALUK,
   MYSURU DISTRICT 571301

...PETITIONER

(BY SRI. CHANDRASHEKARA K A.,ADVOCATE)

AND:

1. SRIKANTH H.S.
   S/O SRIKANTAIAH,
   NOW AGED ABOUT 54 YEARS,
   R/AT NO.1424, 7TH CROSS,
   II STAGE, SRIRAMPURA,
   MYSURU-570008

...RESPONDENT

(BY SRI. RUPESH KUMAR S.,ADVOCATE)

THIS CRL.RP IS FILED U/S.397 R/W 401 CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING TO SET ASIDE THE JUDGMENT AND ORDER DATED 31.10.2023 PASSED BY THE LEARNED III ADDL.SESSIONS JUDGE, MYSURU IN

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CRL.A.NO.123/2023 AND SET ASIDE THE JUDGMENT AND ORDER DATED 22.02.2023 PASSED BY LEARNED THE VII ADDL.CIVIL JUDGE AND J.M.F.C AT MYSURU IN C.C.NO.4733/2017 AND ACQUIT HIM FOR THE OFFNECE P/U/S 138 OF N.I ACT.

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 learned counsels for both the parties are present.

2. The learned counsel for the petitioner filed IA No.1 of 2026 under Section 147 of Negotiable Instrument Act, 1881 (in short 'NI Act') r/w Section 359 (6) and (8) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short 'BNSS, 2023'), which is duly signed by both the parties, who are present before this Court and has been identified by their respective counsels. The parties have settled the dispute.

3. The terms and conditions of the Settlement are extracted hereunder:

> *"02. During the pendency of the above petition, now at the intervention of elders and well-wishers, the*

parties in the above case, viz. petitioner and the respondent herein have settled their dispute amicably. Accordingly, accused/petitioner herein agreed to pay the entire cheque amount of Rs 4,00,000/- [Rupees Four Lakh only] in favour of the respondent herein towards the full and final settlement of all the claim of the complainant/ respondent herein and the respondent herein agreed to receive the same.

03. The petitioner herein in compliance of the orders passed while suspending the sentence has deposited a total sum of Rs 2,02,500/-[Rupees Two lakh Two Thousand and Five hundred only] Learned VII Addl., Civil Judge & JMFC at Mysuru in C.C.No.4733/2017.

04. Now in view of the settlement so entered in to between the parties and as agreed, the petitioner herein has no objections to the respondent herein to withdraw the afore said amount of Rs 2,02,500/- [Rupees Two lakh Two Thousand and Five hundred only] Learned VII Addl., Civil Judge & JMFC at Mysuru in C.C.No.4733/2017 and further, the petitioner herein undertakes to pay/deposit the balance amount of Rs 1,97,500/-[Rupees One Lakh Ninety Seven Thousand and Five hundred only] either directly to the complainant/respondent herein or deposit before the Hon'ble trial court on or before 31/01/2027. The respondent herein agree by the same. In case of the petitioner herein commits default of this commitment, the impugned judgment shall be restored automatically.

05. In view of the settlement so arrived, the respondent herein has no objection to allow this petition and to set aside the judgment and order dated 22/02/2023 passed by Learned VII Addl., Civil Judge & JMFC at Mysuru in C.C.No.4733/2017 and

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confirmed by the learned III Additional Sessions Judge, Mysuru in Crl. A No.123/2023 dated 31/10/2023 for the offence punishable under section 138 Negotiable Instruments Act and to acquit the petitioner in the above case."

4. Upon enquiry and on perusal of the application, this Court is satisfied that the settlement arrived at between the parties is voluntary and lawful.

5. Accordingly, IA No.1 of 2026 under Section 147 of NI Act r/w Section 359 (6) and (8) of BNSS, 2023 is allowed. The parties are permitted to compound the offence.

6. 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 judgment of conviction and order of sentence dated 22.02.2023 passed in C.C.No.4733/2017 by the VII Additional Civil Judge and JMFC, Mysuru, which

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is confirmed by the III Additional Sessions Judge, Mysuru in Crl.A.No.123/2023 dated 31.10.2023 are hereby set aside.

(iii) The accused is acquitted of the offence punishable under Section 138 of NI Act.

(iii) The respondent is permitted to withdraw the amount deposited before the trial Court, on proper identification, as the revision petitioner has no objection for the same.

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(GEETHA K.B.)
JUDGE

SPV
List No.: 1 Sl No.: 13