HC-KAR

NC: 2026:KHC:63598
CRL.A No. 1165 of 2025

CNR: KAHC010344152025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 1165 OF 2025 (A)

BETWEEN:

1. BEENA SANJAY
   W/O SANJAY K.N.
   AGED ABOUT 51 YEARS,
   R/AT NO.735, 7TH BLOCK, 1ST MAIN,
   2ND PHASE, 3RD STAGE,
   BANASHANKARI,
   BENGALURU- 560085

...APPELLANT

(BY SRI. ANIRUDH A KULKARNI.,ADVOCATE)

AND:

1. MAMATHA V
   W/O C.RAMESH BABU,
   AGED ABOUT 37 YEARS,
   R/AT NO. 9/5, 1ST MAIN,
   VARADHAN HAIR STYLE,
   NEAR JNANABHARATHI SCHOOL,
   SRINIDHI LAYOUT, KONANKUNTE,
   BENGALURU-560062

...RESPONDENT

(BY SRI. P. B. UMESH, APPOINTED AS AMICUS CURIAE FOR RESPONDENT.)

CRL.A FILED U/S 378(4) CR.PC (FILED U/S 419(4) BNSS) BY THE ADVOCATE FOR THE APPELLANT PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO SET ASIDE THE JUDGMENT IN CRL.A.NO.1674/2024 DATED 02.04.2025 PASSED BY THE LIX ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY AND ETC.

Digitally signed by LAKSHMINARAYAN N
Location: High Court of Karnataka

THIS APPEAL, COMING ON FOR SETTLEMENT, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

1. The VI Addl. Judge and ACJM., Court of Small Causes, Bengaluru, has convicted the accused for the offence under Section 138 of NI Act and passed a sentence to pay fine of Rs.2,65,000/-. Being aggrieved by this Judgment of Conviction and order on Sentence, the accused-Mamatha V has preferred appeal before the LIX Addl. City Civil and Sessions Judge, Bengaluru, in Crl.A.No.1674/2024. The appeal came to be allowed and the judgment of conviction and order on sentence dated 13.09.2024 passed in CC No.11354/2021 on the file of the VI Addl. Judge, Court of Small Causes and ACJM, Bengaluru was set aside. Being aggrieved by the Judgment of Acquittal, the complainant-Beena Sanjay, has preferred this appeal.

2. Today, the appellant/complainant along with his counsel Sri Anirudh A Kulkarni and the respondent/accused along with Amicus Curie Sri P.B Umesh, are present. Both parties have filed IA.I/2026 under Section 147 of NI Act, 1881, compromising the dispute among themselves:

> *"The Appellant and the Respondent jointly submit as under:*
>
> *1) The Appellant has preferred the captioned Appeal seeking to set aside the judgement passed in Crl. Appeal No. 1674/2024 dated 02.04.2025 passed by the LIX Addl. City Civil & Sessions Judge, Bengaluru City (CCH-60)* ***[Sessions Court]*** *and to confirm the judgement and conviction of the Respondent in CC No. 11354/2021 dated 13.09.2024 passed by the VI Addl. Judge, Court of Small Causes & ACJM, Bengaluru City (SCCH 02)* ***[Trial Court]*** *for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 for the cheque amount of* ***INR 2,65,000/-*** *(Rupees Two Lakh Sixty-Five Thousand only).*
>
> *2) The Appellant and the Respondent, in good faith, and on humanitarian grounds, have mutually decided*

to file the captioned Application seeking for compromise, in terms of the following:

The Respondent herein has come forward to pay an amount of ***INR 1,53,000/- (Rupees One Lakh Fifty Three Thousand only) [Settlement Amount]*** *in full and final settlement to the Appellant in the following manner:*

(i) ***INR 75,000/- (Rupees Seventy-Five Thousand only)*** *by way of bank account transfer bearing UTR No. 785930067248 dated 17.11.2026 to the account of the Appellant. Same is acknowledged by the Appellant.*

(ii) ***INR 25,000/- (Rupees Twenty-Five Thousand only)*** *by way of bank account transfer bearing UTR No. 929082925789 dated 17.11.2026 to the account of the Appellant. Same is acknowledged by the Appellant.*

(iii) The Respondent had deposited 20% of the cheque amount, i.e., a sum of ***INR 53,000/- (Rupees Fifty-Three Thousand only)*** *before the Trial Court in terms of the order dated 21.10.2024 in Crl. Appeal No. 1674/2024. In terms of this settlement, the Respondent has no objection to release of the said amount in favour of the Appellant.*

3) The Respondent hereby agrees to co-operate with the Appellant for release of the said amount in her favour.

WHEREFORE, the Appellant and the Respondent jointly pray before this Hon'ble Court that it may be pleased to take this Application on record and dispose the captioned Appeal by ***directing the Trial Court [VI Addl. Judge, Court of Small Causes & ACJM, Bengaluru City (SCCH - 02)] to release the amount of INR 53,000/- (Rupees Fifty-Three Thousand only) in favour of the Appellant."***

3. This application is supported with joint affidavit of Beena Sanjay and Mamatha V, in which they have stated that the contents of accompanying application may be read as part and parcel of this Joint Affidavit. They have entered into this compromise/settlement out of their own will and consent and it is not due to any undue force/coercion of any party/parties and accordingly, sought for allowing this compromise petition.

4. The commission of alleged offence under Section 138 of NI Act is compoundable in nature under Section 147 of NI Act. Hence, I proceed to pass the following:

O R D E R

(i) The joint application IA.I/2026 for Compromise filed under Section 147 of the Negotiable Instruments Act, 1881, is **allowed**;

(ii) Compromise recorded;

(iii) Accused/Respondent is acquitted of the offence punishable under Section 138 of Negotiable Instruments Act;

(iv) The trial Court is directed to disburse the amount of Rs.53,000/- in favour of Complainant/appellant;

Accordingly, the appeal is ***disposed of.***

Registry is directed to transmit this order along with Trial Court Records to the concerned Court.

Sd/-
(G BASAVARAJA)
JUDGE

DHA