

Cr1.A 136/2021

The counsel for the appellant and respondent along with their respective parties are present and filed joint compromise petition u/s 147 of the Negotiable Instrument Act and submitted that the appellant and the respondent have compromise the matter for Rs.7,00,000/- as full and final settlement and on the previous hearing the appellant has paid Rs.2,00,000/- and the appellant is ready to pay Rs.3,00,000/- and the balance amount of Rs.2,00,000/- will be paid on or before 14/6/2022 . If the appellant fails to pay the balance amount of Rs.3,00,000/- as agreed then the respondent is at liberty to proceed with the case and sought for closing the matter as per the settlement .

This court has enquired the respondent Sri. MMV Narashima Rao and submitted that he has settled the matter with the appellant Dr. Bharati and received the amount of Rs.5,00,000/-by way of cash i.e., Rs.2,00,000/- on 12/4/2022 and Rs.3,00,000/- today from the appellant and no objection for granting time to pay the balance amount of Rs.2,00,000/- to be paid on or before 14/6/2022 and sought for closing the matter as settled out of court.

This court has also enquired the appellant Dr. Bharati and on enquiry she has submitted that she has settled the matter for Rs.7,00,000/- towards the full and final settlement of the cheque amount and paid

Rs.5,00,000/- i.e., Rs.2,00,000/- on 12/4/2022 and Rs.3,00,000/- today to the respondent and undertaken to pay the balance amount of Rs.2,00,000/- on or before 14/6/2022 and sought for acquitting her and closing the matter as per the settlement.

Considering, the compromise petition and the submission of the parties, it can be notice that the appellant and respondent have settled the matter for Rs.7,00,000/- out of which the respondent has received Rs.5,00,000/- and the balance amount of Rs.2,00,000/- to be paid on or before 14/6/2022, for which the respondent has no objection.

Hence, the compromise petition is accepted as the offence is compoundable in nature.

In view of the compromise, the order of conviction and judgment dated 26/11/2021 in CC No.742/2018 passed by the Ist Addl. Civil Judge (Jr.Divison) and JMFC, Ballari is set aside.

It is further ordered if the appellant fails to pay the balance amount of Rs.2,00,000/- as agreed on or before 14/6/2022 then the appellant shall undergo default sentence as ordered by the trial court in the present case.

Accordingly, the appeal is allowed in terms of compromise.

IV Addl. District and Sessions Judge,
Ballari.