

Case called before
Lok-Adalat

The Appellant and Respondent present and along with their respective counsels and also files joint memo and also application filed U/s 148(3) of NI Act along with respective affidavits of the Appellant and Respondent.

Perused the application filed U/s 148(3) of NI Act and also affidavit submitted by the both appellant and Respondent.

On enquiry with the Appellant and Respondent, on the intervention of the elder members and well wishers of the family and also their advice, both appellant and Respondent have amicably settled the dispute between them and also agreed to settled the matter for Rs.5,50,000/- against the judgment passed in C.C.No.469/2021 dated 02.05.2025 on the file of Prl. Civil Judge and JMFC, Kanakapura, and sentencing the appellant to pay amount of Rs.5,05,000/-, in default of fine amount shall undergo simple imprisonment for a period of one month.

Further, on enquiry with the both Appellant and Respondent, they have settlement with free consent without any undue influence, pressure and etc.

Further, the Respondent submits that, he already received the amount of Rs.5,50,000/- from the appellant through D.D.No.222220 731749 from the respondent as a full and final settlement against the sentence of the judgment passed in C.C.No.469/2021 dated 02.05.2025 and further, the Appellant also submits that, he will not press and execute the judgment passed in C.C.No.469/2021 dated 02.05.2025 on the file of Prl. Civil Judge and JMFC, Kanakapura, further the both Appellant and Respondent prays to compound the case and discharge the appellant from the judgment passed in C.C.No.469/2021 dated 02.05.2025 on the file of Prl. Civil Judge and JMFC, Kanakapura.

Perused the Section 148(3) of NI Act, further, this Court is also relied upon the dictum laid down by the Hon'ble High Court of Calcutta while deciding the case of

Tapn Dey sarkar and anr.

Vs.

***State of West Bangal and another
[2016(2) AICLR 658(Cal.)***

Wherein, the lordship held at para No. 6 to 8 of the Judgment which reads as thus.

“6. The above observations of the Apex Court are fully applicable to the facts and circumstances of the

present case in which also, the Petitioners in spite of having been convicted of an offence U/S. 138 of the Negotiable Instrument Act, still paid up the disputed amount to the complainant subsequently, and thus resolved the matter amicably.

7. In the case of (2005 Supreme Court Cases (Cri) 1321, Sailesh Shyam Parsekar Vs. Baban Alias Vishwanath S. Godge and Another) the Apex Court had similarly allowed the conviction and sentence of the appellant to be set aside in view of compromise arrived at between the parties, and the petitioner was consequently acquitted, after his appeal against the original conviction had been dismissed by the appellate Court, and the revision preferred against such dismissal had also been dismissed by the (Bombay) High Court

8. As such, the prayer of the petitioners made in their application under Section 147 of the Act is allowed the parties are permitted to compound the offence. Consequently the impugned judgment of conviction of the courts below are set aside and the petitioners acquitted of the offence for which they were tried.”

Further, this court is also taken note while deciding the case of

Sailesh Shyam Parsekar

Vs.

**Baban Alias Vishwanath S Godge
and another**

[(2005) SCC (Crl.)1321]

Wherein, lordship held at para No.4 of the Judgment which reads as thus

“4. A joint petition of compromise has been filed by the parties in which it has been stated that they have settled their dispute and grievances. In view of the facts stated in the compromise petition, we permit the parties to compound the offence.”

Further, this Court is also relied upon the dictum laid down by the Hon’ble High Court of Calcutta while deciding the case of

B.C Seshadri

Vs.

B.N Suryanarayanarao

[(2004) 11 SCC 510]

Wherein, the lordship held at para No. 5 of the Judgment which reads as thus

“5. During the pendency of this appeal the parties have settled their dispute which is recorded by this Court by order dated 18-8-2003. Now the appellant seeks for the Compounding of the said offence. In view of the provision of Section 147 of

the Negotiable Instruments Act, 1881 this Court in the case of Anil Kumar Haritwal Vs Alka Gupta has held that such a compounding of the offences on the basis of parties settling their dispute is permissible. Since the respondent states that he is willing to Compound the offence, we allow the appeal and direct that the offences be Compounded as provided under Section 147 of the Negotiable Instruments Act, 1881.”

Further, this Court is also relied upon the dictum laid down by the Hon’ble High Court of Calcutta while deciding the case of

K.Gyansagar

Vs

Ganesh Gupta and another

[(2005) 7 SCC 54]

Wherein, the lordship held at para No.2 of the Judgment which reads as thus

“2. Accused and the complainant are represented through their counsel. A joint application has been filed for compounding the offence under section 147 of the Negotiable Instruments Act. In the application it is stated that the amount due has been paid. Necessary figures are disclosed in para No. 10 of the application for compounding the offence. The application is supported by affidavits of the accused as well as

the complainant. Having regard to the fact ad circumstances we are the view that the parties should be permitted to compound the offence since the parties state that nothing is outstanding from the appellant since the amount due has been paid in full.”

Considering the facts and circumstances of the case, prevailing the dispute between the Appellant and Respondent in connection with there monetary transaction and also considering the mandate of law and also considering the settled principles of law, this court feels it is just and necessary to permit the appellant and Respondent to compound the case at the Appellate court stage, in the interest of justice and good conscience and hence the application filed U/s 148(3) of NI Act is hereby allowed and subject to payment of fine amount of Rs.5,000/- before the Prl. Civil Judge and JMFC, Kanakapura from the appellant with in 07 days from the date of this orders, in default of payment of fine amount of Rs.5,000/- by the appellant, the Prl. Civil Judge and JMFC, Kanakapura is at liberty to take steps against the appellant for recovery of fine amount of Rs.5,000/- in accordance with law and accordingly both appellant and respondent have permitted to compound the same before the Lok-Adalat and further, office is

hereby directed to issue intimation to
the Jurisdictional magistrate court.

Advocate
Conciliator

Judicial
Conciliator

