

ORDER

Complainant Present. C/Complainant filed affidavit and submits that, Accused intentionally failed to comply with settlement entered into by him with Complainant before Lok-adalat held on 12.07.2025 and prays to set aside the award passed therein and proceed with the case.

Heard C/Complainant and perused materials on records.

On perusal of records, it is forthcoming that, the present case is filed by the complainant u/s.200 of Cr.P.C against Accused for the offences punishable U/s. 138 of Negotiable Instruments Act in the year 2012. Later, when the case was posted cross examination of PW-1, the Accused expressed his willingness to enter into settlement/compromise.

Since the alleged offence is compoundable and since both parties expressed their willingness to settle the matter before Lok-adalat, the matter was referred to Lok-adalat on 12.07.2025.

On 12.07.2025 both parties filed joint memo and prayed to pass award as per the terms of joint memo. Accordingly as per the terms of settlement between parties the award was as per the compromise joint memo.

Later, on 03.11.2025 the Complainant appeared before this court and filed sworn affidavit stating that the Accused has failed to comply with the terms of compromise entered into as on 12.07.2025 and failed to satisfy the award passed therein. He further prayed to reopen the case.

Therefore, by relying upon the decisions of ***Hon'ble High Court of Karnataka in W.P.No.23520/2018 (GM-RES) dated 07-02-2020 between Sri Somashekara Reddy v. Smt G.S. Getha and also in Criminal Petition No. 2998/2023 dated 21-06-2024 between Sri Mathiekere Jayaram Shataharam v. Sri Pramod***

S/o C. Gopalan this case is reopened by setting aside the settlement (award) passed in Lok-adalat)

However, on perusal of entire records it is very clearly forthcoming that, Accused is never regular before this court and this case is pending since from more than 4 years. Further, it is very important to note here that, every time Accused was secured on execution of NBW and he always escaped from the clutches of legal provisions on one or the other ground. Now, by not complying the order of this court he has again showed that he is not a law abiding person. Further, the earlier stage was for cross examination of PW-1. But the Accused has absconded.

Hence, the settlement order is hereby set a sided and case is reopened to the stage of cross examination of PW-1.

Office to reopen the case in its original number in CIS

For cross examination of PW-1 finally

Issue NBW to accused and notice to surety if pf paid.

C/o: 03.12.2025

sd/-

Civil Judge & JMFC, Dandeli

Case is advanced at the instance of Complainant.

Complainant Present.

Accused absent.

No representation from counsel for Accused.

C/Complainant submits that, accused is intentionally failed to comply with settlement entered into by him with Complainant before Lok-Adalath held on 12-07-2025 and prays to set aside the award passed therein and proceed with the case.

In this regard complainant sworn to an affidavit.

Heard C/Complainant and perused materials on records.

In the interest of justice and equity case is adjourned till

For orders

Call on 31-10-2025

16-10-2025

C.J. & JMFC., Dandeli