



HC-KAR

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 23RD DAY OF FEBRUARY, 2026
BEFORE**

**THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY
CRIMINAL REVISION PETITION NO. 93 OF 2024
(397(Cr.PC)/438(BNSS))**

BETWEEN:

SOMEGOWDA
S/O.LATE PATEL DASEGOWDA
AGED ABOUT 80 YEARS
R/AT BOLANAHALLI VILLAGE
BILIKERE HOBLI
HUNSUR TALUK
MYSURU DISTRICT-571 202

...PETITIONER

(BY SRI T.A.KARUMBIAIAH, ADVOCATE)

AND:

SRINIVAS
S/O.LATE RANGEGOWDA
MAJOR
R/AT 1248, LIG-1
16TH PHASE
SHARADA DEVINAGAR
MYSURU-570 078

...RESPONDENT

(BY SRI SHIVARUDRAPPA SHETKAR, ADVOCATE)

THIS CRIMINAL REVISION PETITION IS FILED UNDER SECTION 397 READ WITH SECTION 401 CR.PC. PRAYING TO SET ASIDE THE JUDGMENT AND ORDER DATED 04.12.2023 PASSED IN CRL.A.NO.279/2023 BY IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, MYSURU AND ALSO THE JUDGMENT AND ORDER OF CONVICTION AND SENTENCE DATED 03.07.2023 PASSED IN CC.NO.4505/2018 UNDER SECTION 138 OF THE NEGOTIABLE INSTRUMENTS ACT, 1881 BY X ADDITIONAL CIVIL JUDGE AND JMFC MYSURU AND ACQUIT THE ACCUSED.





THIS PETITION COMING ON FOR ADMISSION, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

The accused is before this Court in this revision petition filed under Section 397 read with Section 401 of Cr.PC. with a prayer to set aside the judgment and order of conviction and sentence dated 03.07.2023 passed in CC.No.4505/2018 by the Court of X Additional Civil Judge and JMFC, Mysore and the judgment and order dated 04.12.2023 passed in Crl.A.No.279/2023 by the Court of IV Additional District and Session Judge, Mysore.

2. Learned counsels for parties jointly submit that the dispute between the parties has been amicably settled before the Mediation Center at Bengaluru and the settlement report report executed between the parties, is also filed.

3. Copy of the said settlement report dated 18.02.2026 is available on record. The said report is signed by the parties and also by their respective Advocates. In sub-paras-1 to 3 of para-III of the memorandum of settlement, it is stated as follows:



"xxx

III. During the course of mediation, the Petitioner/Accused and the Respondent/Complainant with the able assistance of their respective Advocates and after a thorough discussion, taking into consideration the outcome of the litigation, duration with uncertainty of the outcome and litigation expenses, have settled the matter and they have agreed to the following terms and conditions:

- 1. In view of this settlement the Petitioner/Accused agrees to pay a total sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) to the Respondent/Complainant towards full and final settlement of all the claims of the Respondent/Complainant inclusive of the amount i.e. Rs.75,000/- (Rupees Seventy Five Thousand Only) which is already withdrawn by the Respondent/Complainant before Trial Court and the remaining amount of Rs.75,000/- Rupees Seventy Five Thousand Only) will be paid by the Petitioner/Accused to the Respondent/Complainant in two installments on or before 31st May 2026.*



2. *The Petitioner/Accused agreed and undertakes to pay the said sum of Rs.75,000/- (Rupee Seventy Five Thousand Only) in two installments by way of demand draft/online transfer in the following manner :*
 - a) *A sum of Rs.40,000/- (Rupees Forty Thousand Only) to be paid on or before 7th April 2026.*
 - b) *A sum of Rs.35,000/- (Rupees Thirty Five Thousand Only) to be paid on or before 31st May 2026.*
3. *Both the parties agree to the terms and conditions mentioned supra. In case of default of payment of any two installments continuously by the Petitioner/Accused to the Respondent/ Complainant, then the agreement shall be cancelled and the parties agree that the matter may be dealt with in accordance with the judgment of the trial court.*
xxx"

4. Under the circumstances, I am of the opinion that this revision petition is required to be disposed of in terms of the settlement arrived between the parties and the impugned



judgment and order of conviction and sentence passed against the petitioner needs to be set aside. Accordingly, the following:

ORDER

- i) This Criminal Revision Petition is ***allowed***;
- ii) The impugned judgment and order of conviction and sentence dated 03.07.2023 passed in CC.No.4505/2018 by X Additional Civil Judge and JMFC, Mysore and the judgment and order dated 04.12.2023 passed in CrI.A.No.279/2023 by IV Additional District and Session Judge, Mysore, are set aside;
- iii) The petitioner is acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and his bail bonds, if any, stands cancelled;
- iv) In the event, the petitioner fails to honour his undertaking regarding payment recorded in para-III of the memorandum of settlement, the respondent-complainant is at liberty to file necessary application to recall this order.

**Sd/-
(S VISHWAJITH SHETTY)
JUDGE**

LB
List No.: 1 Sl No.: 26