



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. 174 OF 2026

BETWEEN:

1. M/S SUKRITHA BUILDMANN (P) LTD
NO.27, 2ND FLOOR BUILDMANN DEVIKRUPPA
SATHYANARAYANA TEMPLE ROAD
ULSOOR, BENGALURU - 560 014
REPRESENTED BY MANAGING DIRECTOR
ASHWIN BALASUBRAMANIAN.
2. ASHWIN BALASUBRAMANIAN
MANAGING DIRECTOR
M/S SUKRITHA BUILDMANN (P) LTD
NO.27, 2ND FLOOR BUILDMANN
DEVIKRUPPA SATHYANARAYANA
TEMPLE ROAD, ULSOOR
BENGALURU - 560 001.

...PETITIONERS

(BY SRI DILIP KUMAR I.S, ADV.)

AND:

M/S R.D.C. CONCRETE (INDIA) PVT LTD
NO.37B, DODDANEKUNDI
INDUSTRIAL AREA, 1ST PHASE
WHITEFIELD ROAD, BENGALURU - 560 048
REPRESENTED BY DEPUTY MANAGER
CREDIT CONTROL FRANCIS R
GED ABOUT 39 YEARS
S/O P. RAYAPPA.

...RESPONDENT

(BY SRI ANSHUMAN A, ADV.)

THIS CRL.RP IS FILED U/S 397 R/W 401 CR.PC (FILED U/S 438 R/W 442 BNSS) PRAYING TO SET ASIDE THE JUDGMENT DATED 05.04.2022 PASSED BY XIV A.C.M.M MAYO HALL BENGALURU IN C.C.NO.56467/2019 FOR THE OFFENCE P/U/S 138 OF N.I ACT 1881 PRODUCED AS ANNEXURE-A WHICH IS CONFIRMED BY THE XXVI





ADDL.CITY CIVIL AND SESSIONS JUDGE BENGALURU AT CCH-20 IN CRL.A.NO.25090/2022 DATED 29.08.2025 PRODUCED AS ANNEXURE-B AND CONSEQUENTLY ACQUIT THE ACCUSED FOR THE OFFENCE P/U/S 138 OF N.I ACT 1881.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused are before this Court in this revision petition filed under Sections 397 read with 401 Cr.PC with a prayer to set aside the judgment and order of conviction and sentence dated 05.04.2022 passed by the Court of XIV Addl. Chief Metropolitan Magistrate, Bengaluru, in CC.No.56467/2019 and the judgment and order dated 29.08.2025 passed by the Court of XXVI Addl. City Civil & Sessions Judge, Bengaluru, in Crl.A.No.25090/2022.
2. Learned Counsel for the parties jointly submit that the dispute between the parties has been settled amicably outside the court during the pendency of this revision petition and a settlement agreement was also executed between the parties on 08.01.2026. They submit that the parties today have filed an application under Section 320(8)0 read with 482 of Cr.PC with a prayer to permit the parties to compound the offences



for which the petitioners have been convicted and sentenced by the courts below.

3. The parties who are present before the court are identified by their respective advocates and it is submitted that the settlement arrived between the parties is voluntary, without there being any undue influence and coercion. The application filed before the court is supported by the affidavit of the petitioner no.2/accused no.2 and also the affidavit of the authorized representative of the complainant-company along with the copy of the Board resolution of the respondent-company. The same is taken on record. In paragraphs 3 to 5 of the affidavit which is filed on behalf of the respondent-complainant by its authorized representative, it is stated as under:

"3. I affirm that after the order was passed by the appellate court, the petitioner and me were in settlement talks and the after the discussion of the settlement, both of us agreed to resolved the disputed amicably wherein the petitioner and me have mutually agreed to settle the matter in full and final.

*4. I affirm that on 08-01-2026 the petitioner and me entered into a settlement agreement at **Annexure C***



wherein the petitioner had paid a sum Rs.10,00,000/- to me which I have duly acknowledged the same.

5. I affirm that since the matter has been settled amicably outside the court through settlement agreement, both the parties have agreed to compound the offence through this Compromised petition as the offence under section 138 of NI, Act, 1881 is compoundable offence."

4. Mr. Elaiyaraja who has filed affidavit on behalf of the respondent-complainant is present before the Court and he admits that the entire amount of Rs.10 lakhs which was agreed to be received as per the terms of the settlement agreement has been paid by the petitioners.

5. Under the circumstances, I am of the opinion that this criminal 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 by the courts below is required to be set aside. Accordingly, the following order:

6. Criminal revision petition is allowed. The impugned judgment and order of conviction and sentence dated



05.04.2022 passed by the Court of XIV Addl. Chief Metropolitan Magistrate, Bengaluru, in CC.No.56467/2019 and the judgment and order dated 29.08.2025 passed by the Court of XXVI Addl. City Civil & Sessions Judge, Bengaluru, in Crl.A.No.25090/2022, is set aside. Petitioners are acquitted of the offence punishable under Section 138 of the N.I.Act. Their bail bonds, if any, stands cancelled.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

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