



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL REVISION PETITION NO.306/2024

(397(Cr.PC)/438(BNSS))

BETWEEN:

SRI. JAGADISH KUMAR KUNIGAL
S/O SRI. TIBBAIAH @ THAMMAIAH
AGED ABOUT 43 YEARS
RESIDING AT KADARAPURA VILLAGE
SANTHEMAVATHUR POST
KASABA HOBLI, KUNIGAL TALUK
TUMKUR DISTRICT-572 130

ALSO RESIDING AT NO.23/24
SARASA NILAYA, DESAI GARDEN,
VASANTHAPURA ROAD,
BENGALURU-560 062.

...PETITIONER

(BY SRI. K.B. NAVEEN KUMAR, ADVOCATE)

AND:

SRI. GOVINDARAJU
S/O LATE HONNAGIRI
AGED ABOUT 47 YEARS
RESIDING AT BRAHMANARA BEEDI
AMRUTHURU VILLAGE
KUNIGAL TALUK
TUMAKURU DISTRICT-572 130.

...RESPONDENT

(BY SMT. JAYALAKSHMAMMA, ADVOCATE)





THIS CRL.R.P IS FILED U/S.397 R/W 401 OF CR.P.C PRAYING TO SET ASIDE THE JUDGMENT AND ORDER DATED 10.01.2024 PASSED IN CRL.A.NO.86/2023 ON THE FILE OF VII ADDITIONAL DISTRICT AND SESSIONS JUDGE AT TUMAKURU AND FOLLOWED BY THE JUDGMENT AND ORDER IN C.C.NO.1391/2017 PASSED BY THE ADDITIONAL CIVIL JUDGE AND JMFC KUNIGAL.

THIS PETITION, COMING ON FOR REPORTING SETTLEMENT, 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 r/w Section 401 of Cr.P.C., with a prayer to set aside the judgment and order dated 17.07.2023 passed in CC.No.1391/2017 by the court of Addl. Civil Judge and JMFC, Kunigal and the judgment and order dated 10.01.2024 passed in Crl.A.No.86/2023 by the court of VII Addl. District and Sessions Judge, Tumakuru.

2. Learned counsels appearing for the parties jointly submit that the dispute between the parties has been amicably settled during the pendency of this revision petition and the respondent has agreed to receive total sum of Rs.5,50,000/- from the petitioner towards full and



final settlement of the amount covered under the cheque in question.

3. They submit that a joint memo is filed by the parties reporting settlement and this revision petition may be disposed of in terms of the settlement and the impugned judgment and order of conviction and sentence passed against the petitioner may be set aside.

4. Parties who are present before the Court are identified by their respective Advocates. The joint memo filed by the parties is signed by the parties and also by their learned Advocates.

5. In paragraph Nos.2 to 6 of the joint memo, it is stated as follows:

*"2. The petitioner further submit that the petitioner has already deposited **3,50,000/- (Rupees Three Lakhs Fifty Thousand only)** before the trial court as per the order of this Hon'ble court. Out of Rs.3,50,000/-, Rs.20,000/- has been deposited to the Government as per the judgment of Trial Court.*

*3. The petitioner submits that as he has agreed to settle the issues with respondent amicably and in view of the settlement the petitioner has agreed to pay **Rs.5,50,000/-(Rupees Five Lakhs Fifty Thousand***



only) including the deposited amount of Rs.3,30,000/- (Rupees Three Lakhs Thirty Thousand Only) to the respondent and Respondent as also agreed to receive totally **Rs.5,50,000/- (Rupees Five Lakhs Fifty Thousand only)** from the Petitioner.

4. Both the Petitioner and Respondent have agreed that this settlement amount of **Rs.5,50,000/- (Rupees Five Lakhs Fifty Thousand only)** is full and final settlement and No further claim from the Petitioner by the Respondent in respect of the subject matter of the above petition.

5. In view of the above said settlement today, the petitioner has paid **Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only)** by way of D.D bearing No.586404 dated 24.02.2026 drawn on State Bank of India, Vasanthpura Branch, Bangalore issued in favour of the respondent and **Rs.70,000/- (Rupees Seventy Thousand Only)** by way of cash on 25.02.2026 and respondent has agreed for the same, accepted and acknowledge the same.

6. The petitioner submits that he has no objection to release the amount of Rs.3,30,000/- which is deposited by the petitioner before the trial court in favour of the respondent."

6. The respondent who is present in person before the Court has acknowledged receipt of Rs.1,50,000/- from the petitioner under demand draft and also further sum of Rs.70,000/- in cash.



7. Learned counsel for the petitioner submits that he has no objection for releasing the amount of Rs.3,30,000/-, which is in deposit before the trial Court in favour of the respondent.

8. In view of the aforesaid, 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 against the petitioner is to be set aside. Accordingly, the following

ORDER

- (i) The Criminal Revision Petition is ***allowed***.
- (ii) The impugned judgment and order dated 17.07.2023 passed in CC.No.1391/2017 by the Addl. Civil Judge and JMFC, Kunigal and the judgment and order dated 10.01.2024 passed in Crl.A.No.86/2023 by VII Addl. District and Sessions Judge, Tumakuru, against the petitioner are set aside and the petitioner is acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act.
- (iii) His bail bonds, if any, stands cancelled.



- (iv) The respondent-complainant is permitted to withdraw the amount of Rs.3,30,000/- deposited by the petitioner before the trial Court in CC.No.1391/2017.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

PB
List No.: 1 Sl No.: 39