



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 24TH DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY
CRIMINAL REVISION PETITION NO. 721 OF 2023

BETWEEN:

SMT. NEELAMMA
W/O LATE MOHAN RAO
AGED ABOUT 52 YEARS
GOVERNMENT TEACHER
R/O NO.120/A, HUDCO COLONY
BHADRAVATHI, SHIMOGA - 577 245.

...PETITIONER

(BY SRI PRASAD B.S, ADV.)

AND:

B.H. LOKESH
S/O HANUMA GOWDA
AGED ABOUT 44 YEARS
R/O DOOR NO.149/A
HUDCO COLONY
BHADRAVATHI
SHIMOGA - 577 245.

...RESPONDENT

(BY SRI SATHISHA D.J, ADV.)

THIS CRL.RP IS FILED U/S.397 R/W 401 CR.P.C PRAYING TO SET ASIDE JUDGMENT AND ORDER OF CONVICTION DATED 11.08.2022 PASSED BY THE LEARNED PRL. CIVIL JUDGE AND JMFC AT BHADRAVATHI IN C.C.NO.1765/2016 AND THE JUDGMENT FOR THE OFFENCE P/U/S 138 OF N.I. ACT.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY





ORAL ORDER

1. Accused is before this Court in this Criminal revision petition filed under Section 397 R/w 401 of Cr.P.C, with a prayer to set aside the judgment and order dated 11.08.2022 passed in C.C.No.1765/2016 by the Court of Principal Civil Judge & JMFC, Bhadravathi and the judgment and order dated 10.03.2023 passed in Criminal Appeal No.5044 of 2022 by the Court of IV Addl. District & Sessions Judge, Shivamogga (sitting at Bhadravathi).

2. Heard the learned counsel for the parties.

3. Learned counsel for the petitioner submits that the dispute between the parties has been amicably settled and an application under Section 147 of the Negotiable Instruments Act is today filed before the Court seeking permission of this Court to permit the parties to compound the offence for which the petitioner has been convicted. He submits that settlement arrived between the parties is voluntary without there being any undue influence or coercion.



4. The respondent, who is present before the Court has admitted the settlement between the parties and he also has admitted that he has signed the application filed under Section 147 of the N.I. Act. The said application is taken on record. In paragraph no.2 of the application filed under Section 147 of the N.I Act, it is stated as follows:-

"2. It is humbly submitted by the Petitioner that with the intervention of well-wishers Petitioner and Respondent has intended to settle the claim of the Respondent and agreed to pay a sum of Rs.3,80,000/-. Petitioner has deposited amount of 1,90,000/- where both the Petitioner and Respondents agreed to settle the matter. Further amount of Rs.1,90,000/- by monthly installment on the 10th day of every month for Rs.10,000/- for period of 19 months as full and final settlement and further the Petitioner and Respondent have compromised the above case and further the complainant/Respondent does not intend to proceed with the case against the petitioner. Under these Circumstances, this Hon'ble High Court may be pleased to permit the Petitioner and Respondent to compound the offence and further be pleased to acquit the petitioner of the charge leveled against him."

5. Learned counsel for the petitioner submits that amount of Rs.1,90,000/- which is in deposit before the trial



Court in C.C.No.1765/2016 may be permitted to withdrawn by the respondent and balance amount of Rs.1,90,000/- shall be paid in monthly instalment of Rs.10,000/- each.

6. In view of the aforesaid, the Criminal Revision petition is required to be disposed of in terms of the settlement arrived between the parties and consequently the impugned judgment and order of conviction and sentence passed against the petitioner needs to be set aside.

7. Accordingly, the following:-

ORDER

- i. Application filed under Section 147 of the Negotiable Instruments Act by the parties is allowed and they are permitted to compound the offence punishable under Section 138 of the Negotiable Instruments Act for which petitioner has been convicted and sentenced by the Courts below. Consequently, the criminal revision petition is allowed.
- ii. The judgment and order of conviction and sentence passed by the Courts below against the petitioner are set aside and she is acquitted of the offence punishable under Section 138 of



Negotiable Instruments Act. Her bail bonds, if any, stands cancelled.

- iii. The respondent / complainant is permitted to withdraw the amount of Rs.1,90,000/- deposited by the petitioner before the Trial Court.
- iv. Respondent is at liberty to file necessary application to recall this order in the event petitioner defaults to pay the balance amount as undertaken.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE