



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL APPEAL NO. 100295 OF 2020 (A)

C/W

CRIMINAL PETITION NO. 101623 OF 2020

IN CRL.A NO. 100295/2020

BETWEEN:

SRI GAFARSAB S/O GORESAB TALLUR
AGED ABOUT: 40 YEARS, OCC: BUSINESS,
R/AT: DATIKOPPA, TQ: KITTUR,
DIST: BELAGAVI-591115.

...APPELLANT

(BY SRI. ABHISHEKL BARIGIDAD, ADVOCATE FOR SRI. M.T.
BANGI, ADVOCATE)

AND:

SRI NAGAPPA S/O BASAPPA KADROLI
AGED ABOUT: 48 YEARS, OCC: KSRTC DRIVER,
R/AT: DATIKOPPA, TQ: KITTUR,
DIST: BELAGAVI-591115.

...RESPONDENT

(BY SRI. AMIT DESAI, ADVOCATE FOR SRI.
MALLIKARJUNSWAMY B. HIREAMATH)

THIS CRIMINAL APPEAL IS FILED U/SEC.378(4) OF
CR.P.C., PRAYING TO SET ASIDE THE ORDER PASSED BY THE
CIVIL JUDGE AND JMFC, KITTUR PASSED IN P.C.NO.22 OF
2020 DATED 15/09/2020 FOR THE PUNISHABLE OFFENCES U/S





420 OF IPC BY ALLOWING THE PRESENT APPEAL, IN THE INTEREST OF JUSTICE.

IN CRL.P NO. 101623/2020
BETWEEN:

SRI. GAFARSAB S/O BORESAB TALLUR
AGED ABOUT 40 YEARS, OCC. BUSINESS,
R/AT. DASTIKOPP, TQ. KITTUR,
DIST. BELAGAVI-590001.

...PETITIONER

(BY SRI. ABHISHEKL BARIGIDAD, ADVOCATE FOR SRI.
M.T. BANGI, ADVOCATE)

AND:

SRI. NAGAPPA S/O BASAPPA KADROLI
AGED ABOUT 48 YEARS, OCC. KSRTC DRIVER,
R/AT. DATIKOPPA, TQ KITTUR,
DIST. BELAGAVI.

...RESPONDENT

(BY SRI. AMIT DESAI, ADVOCATE FOR SRI.
MALLIKARJUNSWAMY B. HIEMATH, ADVOCATE)

THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.P.C., SEEKING TO QUASH THE ENTIRE PROCEEDINGS INITIATED AGAINST THE PETITIONER FOR THE OFFENCE PUNISHABLE UNDER SECTION 138 OF NI ACT INITIATED IN CC NO.127/2020 ON THE FILE OF THE CIVIL JUDGE AND JMFC, KITTUR DATED 31/07/2020 AND SET ASIDE THE ORDER TAKING COGNIZANCE BY ALLOWING THE PRESENT PETITION, IN THE INTEREST OF JUSTICE.

THESE APPEAL AND PETITION, COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:



ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE V.SRISHANANDA)

1. Learned counsel for the petitioner has filed a Joint memo and signed by the respective parties.
2. The contents of the joint memo read as under:

"MEMO

The petitioner/appellant submit as follows:

It is submitted that, the respondent herein, had filed a complaint under section 138 of the Negotiable Instrument Act, 1881 for dishonor of cheque.

The accused/petitioner is intending to amicably settle the matter and has agreed to pay a sum of Rs.1,20,000/- towards settlement of the cheque amount of Rs.1,00,000 bearing Cheque No. 019670, subject to the consent of the Rs complainant. It is submitted that, the petitioner/appellant has paid Rs.50,000/- to the complainant, before this Hon'ble Court on 19.02.2026 and seeks leave of this Hon'ble Court to deposit the remaining amount of Rs.70,000/- within 12 weeks.

In view of the settlement, the petitioner/appellant prays this Hon'ble Court to set-aside the order passed by Civil Judge & JMFC, Kittur in P.C No.22 of 2020 in the interest of justice and equity."



3. Placing the joint memo on record, Crl.P.No.101623/2020 and Crl.A.No.100295/2020 are ***allowed.***

4. The impugned order dated 31.07.2020 passed in Crl.P. No.101623/2020 in C.C. No.127/2020 on the file of the Civil Judge and JMFC, Kittur, and the impugned order dated 15.09.2020 passed in Crl.A. No. 100295/2020 in P.C. No.22/2020 on the file of the Civil Judge and JMFC, Kittur, are hereby set aside.

5. Consequently, the pending criminal proceedings in CC No.127/2020 on the file of the Civil Judge and JMFC, Kittur, are hereby quashed.

6. It is made clear that if the amount is not paid as agreed in the joint memo, the criminal case in CC No.127/2020 shall stand restored.

7. The order dated 15.09.2020 in PC No.22/2020 shall also stand restored.

8. After the entire amount is paid, the amount of Rs.10,000/- deposited towards fine as per the order dated



15.09.2020 in PC No.22/2020 is permitted to be withdrawn by the appellant, Sri Gafarsab Goresab Tallur, under due identification.

Sd/-
(V.SRISHANANDA)
JUDGE

AC
Ct-cmu
LIST NO.: 1 SL NO.: 115