

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Revision Petition No. 400/2026

1. Chhatrapal Cabcon Wires Private Limited, Registered Office At 496/9, Sector-Ii, Avanti Vihar, Telibandha, Raipur (Chhatisgarh) Through Director Vinod Verma
2. Vinod Verma S/o Kailashchand Verma, Director Registered Office At 496/9, Sector-Ii, Avanti Vihar, Telibandha, Raipur (Chhatisgarh). (Presently Confined In Central Jail, Jaipur)

-----Accused-Petitioners

Versus

1. State of Rajasthan, Through Public Prosecutor.
2. M/s Maxwell India, Address F-946 (D), Road No. 14, Vki Area, Through Proprietor Manoj Jain.

-----Respondents

For Petitioner(s)	:	Mr. Kapil Gupta, Advocate & Mr. Vimal Kumar Soni, Advocate
For Respondent(s)	:	Mr. Sriram Dhakar, Public Prosecutor Mr. Girraj Prasad, Advocate with Mr. Prateek Sharma, Advocate & Mr. Sunil Kumar, Advocate alongwith Mr. Manoj Jain, Complainant, in person

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI
Order

27/02/2026

By way of filing the present revision petition under Section 438 r/w Section 442 of the *Bharatiya Nagarik Suraksha Sanhita, 2023*, the petitioners have challenged the judgment dt.15.01.2025 passed by Court of Id. Special Judicial Magistrate (N.I. Act Cases), Court No.7, Jaipur Metropolitan-II, in CIS No.NI Act/83983/2015, whereby Id. Magistrate has convicted the petitioners for commission of offence punishable under Section 138 of the N.I. Act & sentenced them to undergo two years simple imprisonment and ordered to pay a sum of Rs.20,00,000/- to the complainant-respondent, as compensation, and in default thereof, to further undergo four-months additional simple imprisonment.

The petitioners have also challenged the judgment dt.19.02.2026 passed by Court of Id. Additional Sessions Judge, No.5, Jaipur Metropolitan-II, in Criminal Regular Appeal No.10/2025, whereby Id. Judge, while dismissing the aforesaid appeal, has confirmed the judgment of conviction & the order of sentence dt.15.01.2025 passed by the Id. Magistrate.

Facts of the present case, in brief, are that the complainant-respondent filed a complaint u/s.138 of N.I. Act against the petitioners before Id. trial Court alleging therein that the petitioners given a cheque amounting to Rs.13,51,324/- to the complainant, which on presentation was dishonoured & returned with the remarks of "insufficient funds". The trial Court convicted the petitioners for alleged offence & sentenced them to undergo maximum period of two years simple imprisonment alongwith a fine. Aggrieved by the aforesaid order, petitioners preferred an appeal before Id. Appellate Court, which was also dismissed, while confirming the conviction & sentence awarded by the Id. Magistrate. Hence, this revision.

Submissions of learned counsel appearing for the accused-petitioners are that the petitioners are in judicial custody since long. During pendency of present revision petition, a compromise has been arrived at between the parties & the dispute between them has been amicably settled. The complainant has received the disputed amount. No dispute now remains pending. Therefore, the present petition may be allowed, the impugned judgments be quashed & set aside and the petitioners be acquitted from the charges levelled against them.

Learned Public Prosecutor appearing for the State has opposed the submissions made herein-above.

Learned counsel appearing for the complainant/ respondent No.2 does not wish to continue the matter & has no objection, if the

impugned judgments are quashed & set aside and the petitioners are acquitted of the charges levelled against them in terms of compromise.

Heard learned counsel appearing for the parties. Perused the material made available on record.

The dispute is *inter-se* in between the parties and does not affect the society at large. The complainant has now entered into a compromise with the present petitioners.

As per compromise dt.26.02.2026, complainant/ respondent has entered into a settlement/agreement with the petitioners & received the disputed amount. He has no objection, if the impugned judgments are quashed & set aside and the petitioners are acquitted in terms of compromise.

The aim & purpose of Section 138 of N.I. Act is not to punish the accused but to ensure that the due amount is duly returned to the complainant. Considering the nature of litigation under Section 138 of N.I. Act, in case the amount is paid and is duly accepted by the complainant, the matter should be compounded and the accused should be acquitted.

In the present case, the amount of compensation has duly been accepted by the complainant and the compromise is a clear proof thereof.

Since the parties have not entered into compromise at the first opportunity available to them and waited till disposal of the trial & appeal and thereby wasted precious judicial time of the Court, in the interest of justice, a cost of Rs.20,000/- be imposed upon the petitioners. The petitioners shall deposit the above-said cost in the account of the Rajasthan State Legal Services Authority, Jaipur within a period of one month from the date of this order and submit the receipt to this Court.

Thus, in view of the compromise arrived at between the parties, this Court deems it just and proper to acquit the petitioners from the charges and allow the revision petition filed by the petitioners.

Accordingly, the present revision petition is **allowed**. The impugned judgments are quashed & set aside and the petitioners are acquitted from the charges levelled against them.

The petitioners are said to be in judicial custody. They shall be released from the prison forthwith, if not required in any other case.

Pending application, if any, also stand disposed of.

List alongwith compliance report on 27.03.2026.

(VINOD KUMAR BHARWANI),J