

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Revision Petition No. 1528/2025

URN: CRLR / 2629U / 2025

Hukamchand Bunkar S/o Shri Mewaram, Aged About 45 Years, R/o Village Nangal (Abhaypura) Via Palsana, Tehsil Dantaramgarh, District Sikar (Raj.) (At Present Confined In Central Jail Bikaner)

-----Accused-Petitioner

Versus

1. State of Rajasthan through Public Prosecutor
2. Kapil Choudhary S/o Shri Baldev Singh, Aged About 32 Years, R/o Village Bhadwasi, District Sikar (Raj.)

-----Respondents

For Petitioner(s)	:	Mr. Anil Kumar, Advocate & Mr. Pradeep Bachaliya, Advocate
For Respondent(s)	:	Mr. Shree Ram Dhakad, P.P. Mr. Manish Kr. Meena, Advocate

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI
Order

17/07/2026 :

By way of filing the present revision petition under Section 438 r/w Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner has challenged the judgment dt.12.09.2024 passed by Court of Id. Special Judicial Magistrate (N.I. Act Cases), Sikar, in Criminal Regular Case/CIS No.350/2021 whereby Id. Magistrate has convicted the petitioner for commission of offence punishable under Section 138 of the N.I. Act & sentenced him to undergo two years imprisonment and ordered to pay a sum of Rs.13,00,000/- to the complainant-respondent, as compensation, and in default thereof, to further undergo two-months additional simple imprisonment.

The petitioner has also challenged the judgment dt.24.04.2025 passed by Court of Id. Sessions Judge, Sikar, in Criminal Appeal No.133/2024, whereby Id. Judge dismissed the aforesaid appeal in default as well as for non-prosecution.

Facts of the present case, in brief, are that the complainant-respondent filed a complaint u/s.138 of N.I. Act against the petitioner before Id. trial Court alleging therein that the petitioner borrowed Rs.9,50,000/- from the complainant for his personal necessity. Towards repayment thereof, he issued a cheque amounting to Rs.9,50,000/- to the complainant, which on presentation was dishonoured & returned with the remarks of "insufficient fund". The trial Court convicted the petitioner for alleged offence & sentenced him to undergo maximum period of two years imprisonment alongwith a fine. Aggrieved by the aforesaid order, petitioner preferred an appeal before Id. Appellate Court, which was also dismissed in default as well as for non-prosecution. Hence, this revision.

Learned counsel appearing for the accused-petitioner submits that during pendency of present revision petition, both the parties have entered into a compromise dt.18.05.2026 & the dispute between them has been amicably settled. No dispute now remains pending. Counsel further submits that since a compromise has been arrived at between the parties by way of mutual consent, no useful purpose would be served by continuing the proceedings against the petitioner for the alleged offence. Therefore, the present petition may be allowed, the impugned judgments be quashed & set aside and the petitioner be acquitted from the charges levelled against him.

An application bearing Inward No.1/2026 dt.21.05.2026 has also been filed on behalf of the petitioner praying therein that while taking on record the compromise dt.18.05.2026, the present revision petition may be disposed of on the basis of compromise.

Learned Public Prosecutor for the State has submitted that an appropriate order may be passed by this Court.

Today, both the parties are present-in-person before this Court. They have duly been identified by their respective Counsel & their signatures have also been obtained on the order-sheet of the Court.

Learned counsel appearing for the complainant/respondent submitted that he has no objection, if the impugned judgments are quashed & set aside and the petitioner is acquitted of the charges levelled against him in terms of compromise.

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

As per compromise dt.18.05.2026, complainant/respondent has entered into a settlement/agreement with the petitioner & received the complete disputed amount.

Considering the submissions made at bar & the overall facts & circumstances of the case and the fact that a compromise has been arrived at between the parties, this Court finds that it would not be appropriate to continue upholding the judgments of the learned Courts below and maintain the conviction of the petitioner in the alleged offence, since both the parties have already amicably settled the dispute, continuing the case would serve no meaningful purpose.

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 petitioner.

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.

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.50,000/- be imposed upon the petitioner. The petitioner 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 petitioner from the charges and allow the revision petition filed by the petitioner.

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

Pending application, if any, also stand disposed of.

List alongwith compliance report on 17.08.2026.

(VINOD KUMAR BHARWANI),J

ASHOK/