

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Revision Petition No. 2250/2025

M/s B.S.B. Traders, Through Partner

1. Smt. Savita W/o Bahwani Shankar
2. Shri Bhawani Shankar Address P-20, Kirana Market, Bhamashah Mandi, Anantpura Kota Other Address A-47, Subhash Nagar, Kota

----Petitioners/accused

Versus

Shri Krishna Enterprises, Through Proprietor Shri Anil Goyal S/o Shri Krishand Chand Goyal, Business Address 49, New Dhan Mandi, Kota Other Address Shop No. C-153, Bhamashah Mandi, Kota

----Respondent

For Petitioner(s)	:	Mr. Shamsuddin Ansari, Advocate
For Respondent(s)	:	Mr. Zeeshan Khan, Advocate

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI
Order

30/03/2026 :

Matter has come up on an application bearing Inward No.1/2026 dt.29.01.2026 filed by the petitioners under Section 528 of the B.N.S.S. 2023 for waiving the defect pointed out by the Registry.

For the reasons & grounds mentioned therein, the application is **allowed**. The defect, pointed out by the Registry is waived.

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.05.04.2024 passed by Court of Id. Special Judicial Magistrate (N.I. Act Cases), No.2, Kota, in Criminal Case No.13045/2017 whereby Id. Magistrate has convicted the petitioners for commission of offence punishable under Section 138 of the N.I. Act & sentenced them to undergo six months simple imprisonment and ordered to pay a sum of Rs.3,50,000/- to the

complainant-respondent, as compensation, and in default thereof, to further undergo 10-days additional simple imprisonment.

The petitioners have also challenged the judgment dt.17.11.2025 passed by Court of Id. Additional Sessions Judge, No.4, Kota, in Criminal Regular Appeal (CIS) No.196/2024, whereby Id. Judge, while dismissing the aforesaid appeal, has confirmed the judgment of conviction & the order of sentence dt.05.04.2024 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 issued a cheque amounting to Rs.4,72,990/- 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 six months 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.

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

Learned counsel appearing for the accused-petitioners submits that the petitioners were on bail during trial. During pendency of present revision petition, both the parties have entered into a compromise & 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 petitioners for the alleged offence. 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 counsel appearing for the complainant/respondent submitted that he 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.

An application bearing Inward No.2/2026 dt.02.02.2026 has also been filed by the petitioners for deciding the aforesaid revision petition on the basis of the compromise arrived at between the parties.

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 petitioners 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 petitioners.

As per compromise, 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.

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.15,000/- 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.

Pending application, if any, also stand disposed of.

List alongwith compliance report on 30.04.2026.

(VINOD KUMAR BHARWANI),J