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CRR-3126-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE RAMKUMAR CHOUBEY

ON THE 23<sup>rd</sup> OF SEPTEMBER, 2025CRIMINAL REVISION No. 3126 of 2025*BHARAT SINGH**Versus**SMT. FOOLWATI BAI (DEAD)*

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Appearance:

*Shri Mohd. Aadil Usmani - Advocate for the petitioner.**Shri Rupesh Singh Thakur - Advocate for the respondent/State.*  
.....

ORDER

This revision petition has been filed by the petitioner under Section 438 read with Section 442 of BNSS, 2023, being aggrieved by the appeal judgment dated 11.06.2025 passed by 17th Additional District & Sessions Judge, Bhopal, District Bhopal (M.P.) in Criminal Appeal No.469/2024 (Bharat Singh Vs. Smt. Foolwati (dead)) affirming the judgment dated 07.08.2024 passed by the Judicial Magistrate First Class, Bhopal, District Bhopal (M.P.) in RCT No.13983/2017 (*Smt. Foolwati (Dead) Vs. Bharat Singh*) convicting the petitioner/accused under Section 138 of Negotiable Instruments Act, 1881 and sentencing him to undergo R.I. for one year with compensation of Rs.21,50,000/- and Section 357(3) of Cr.P.C with fine of Rs.50,000/- with default stipulation.

2. As per prosecution case, respondent/complainant and the petitioner both are known each other. The petitioner has received Rs.24,00,000/- in respect of sale consideration of the land from the complainant and in lie



thereof the petitioner has given a cheque bearing No.308245 drawn at Corporation Bank on 26.04.2017. When the complainant presented the said cheque in his Bank account, it got dishonoured due to insufficient funds. Therefore, the complainant lodged a complaint under Section 138 of NI Act against the applicant.

3. The trial Court vide judgment dated 11.06.2025 found the petitioner guilty and convicted him for offence under Section 138 of NI Act and sentenced to undergo R.I. for one year and compensation of Rs.21,50,000/- and Section 357(3) of Cr.P.C and sentenced to undergo fine of Rs.50,000/- with default stipulations.

4. The petitioner being aggrieved with the judgment of the trial Court preferred an appeal before the lower appellate Court, which has affirmed the judgment of conviction and order of sentence of the petitioner. Hence, the petitioner preferred instant revision.

5. During the pendency of this revision, the parties have arrived at a compromise and, therefore, this Court vide order-sheet dated 22.09.2025 directed the parties to personally appear before the Registrar Judicial of this Court for verification of their compromise.

6. In compliance of aforesaid order, the complainant stated that the parties have amicably settled the dispute *ex curiae* and he has no objection if the petitioner is acquitted of the charge levelled against him. He further stated that he has entered into the compromise out of his own volition and without any compulsion.

7. In the case of **Damodar S.Prabhu Vs. Sayed Babalal H, (2010) 5 SCC**



663., the Supreme Court has directed that if the application for compounding is made before the Sessions Court or a High Court in revision or appeal, such compounding may be allowed on the condition that the accused pays 15% of the cheque amount by way of costs. Further, it has been held that the competent court can of course reduce the costs with regard to the specific facts and circumstances of a case, while recording reasons in writing for such variance. Bona fide litigants should of course contest the proceedings to their logical end.

8. Learned counsel for the petitioner submitted that the petitioner is in jail and he is ready to pay any further amount, as directed by this Court towards the costs. The respondent appeared in person before the Court and submitted through counsel that he is willing to compound the offence as per their settlement arrived at outside the court.

9. In view of the aforesaid peculiar facts and circumstances of the case, the petitioner is directed to deposit Rs.5,000/- towards costs of the cheque amount before the trial Court within a period of 15 days from today. If the applicant deposits aforesaid amount within the stipulated time, he shall be released.

10. In view of aforesaid compromise, it is made clear that this order would have the effect of acquittal under Section 320(8) of the Cr.P.C. and, therefore, the petitioner is acquitted from offence under Section 138 of the Negotiable Instruments Act and Section 357(3) of Cr.P.C.

11. The revision is accordingly **disposed of**.

12. Let a copy of this order be kept in the records of the courts below.



13. The original records be sent back to the concerned courts

**(RAMKUMAR CHOUBEY)**  
**JUDGE**

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