



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 3032 OF 2022

BETWEEN:

MR AVINASH PRABHU
S/O MR. P.J.R PRABHU
AGED 48 YEARS
MANAGING DIRECTOR OF
M/S. SKYLINE CONSTRUCTIONS
AND HOUSING PVT. LTD.,
AND RESIDENT OF F-03
HULKUL RESIDENCY,
LAVELLE ROAD, RICHMOND CIRCLE
BENGALURU - 560 001.

...PETITIONER

(BY SRI. I.S. PRAMOD CHANDRA, ADVOCATE)

AND:

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka

1. STATE OF KARNATAKA
BY KOTHANUR POLICE INVESTIGATED
BY FRAUD AND MISAPPROPRIATION
WING CENTRAL CRIME BRANCH,
BANGALORE CITY,
THROUGH THE STATE PUBLIC PROSECUTORS
HIGH COURT BUILDINGS
DR. AMBEDKAR VEEDHI
BANGALORE - 560 001.
2. MRS. MAMATHA CHAKRAVARTHI
W/O MR. ABHIJIT CHAKRAVARTHI
AGED ABOUT 40 YEARS
RESIDENT OF NO. 361, 3RD A MAIN



II BLOCK, I STAGE, H.B.R LAYOUT
BENGALURU - 560 043.

...RESPONDENTS

(BY SMT. SOWMYA R, HCGP FOR R1;
SRI. L.K. MANJUNATHA, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO 1. SET ASIDE ORDER DATED 17.08.2020, PASSED BY THE LEARNED I ADDL CHIEF METROPOLITAN MAGISTRATE, BANGALORE METROPOLITAN AREA, AT BENGALURU IN C.C.NO.7929/2020 TAKING COGNIZANCE AGAINST THE PETITIONER FOR THE OFFENSE PUNISHABLE U/S 420 OF IPC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging order taking cognizance, chargesheet and entire proceedings in C.C.no.7929/2020 on file of I ACMM, Bengaluru, this Petition is filed.

2. Sri L.K.Manjunatha, learned counsel for respondent no.2-complainant submit that impugned proceedings arose out of complaint filed by respondent no.2 on 08.01.2019, wherein complainant had alleged that petitioner-accused had failed to honour an agreement to deliver possession of flat purchased by her by year 2014, and same was registered as Crime



no.4/2019 by Kothanur Police Station and later on a chargesheet was filed.

3. It was submitted that during pendency of above petition, there was settlement between accused and complainant, terms of which are as follows -

**JOINT MEMO/COMPROMISE PETITION FILED
UNDER SECTION 482 READ WITH SEC. 320(2) OF
THE CODE OF CRIMINAL PROCEDURE**

The petitioner and respondent no.2 above named most respectfully submit as follows-

1. The above Criminal Petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings in C.C.no.7929/2020, pending on the file of the learned I Addl.Chief Metropolitan Magistrate, Bengaluru City, arising out of Crime no.4/2019 of Kottanur Police Station, Bengaluru City, for the offences punishable under Section 420 of the Indian Penal Code, registered on the basis of the complaint lodged by Respondent No.2.

2. The dispute between the Petitioner and Respondent No. 2 arises out of a transaction relating to purchase of a residential flat in the project known as 'Skyline Aura', developed by M/s.Skyline Constructions & Housing Pvt. Ltd., of which the Petitioner is the Managing Director.

It is submitted that as contained in the Complaint, pursuant to negotiations between Respondent No. 2 and the Petitioner, Respondent No. 2 agreed to purchase a Flat in the Project called 'Skyline Aura' which was undertaken by M/s Skyline Constructions Pvt. Ltd., Bangalore of which the Petitioner is the Managing Director, at a land bearing Sy.no.45 of K.Narayanapura Village, Bangalore.



Respondent No.2 made certain payments pursuant to the terms of the Agreement but however, the project got delayed and possession of the Flat was not handed over to Respondent No. 2 in terms of the Agreement. As such, Respondent No. 2 filed a complaint / first information with the Kottanur Police Station, pursuant to which a case in Cr. No. 4/2019 was registered for the offence punishable under Sec.420, I.P.C. against the Petitioner.

3. Investigation into the case was transferred to the Central Crime Branch, Bangalore City, who after investigation into the case, filed a Charge Sheet against the Petitioner herein. Central Crime Branch is not a police station and though the Inspector of Police attached to C.C.B. investigated into the case, the same officer could not have filed the fine report into the Court. Further, as the ingredients of the offences of Sec. 420, I.P.C. are not made out in the facts and circumstances of the case for the grounds detailed in the Petition, the present Criminal was filed seeking quashing of the Order dated 17.08.2020 taking cognizance against the Petitioner for the aforesaid offence and also quashing of all further proceedings, also in view of the further developments in the case, which are detailed therein. This Hon'ble Court, upon considering the I.A. was pleased to grant an ad interim order of stay of further proceedings in the case.

4. It is submitted that subsequently, with the intervention of elders and well-wishers, the Petitioner and Respondent No. 2 have amicably resolved and settled all their disputes and differences in respect of the subject transaction which formed the basis of the said complaint and the above criminal proceedings.

5. Under the terms of settlement, the Petitioner has agreed to hand over vacant and peaceful possession of the residential flat bearing No. B-102 on the First Floor, in the project 'Skyline Aura', situated at land bearing Sy.No.45 of K.Narayanapura Village, Bangalore, together with proportionate undivided share in the land and the right to use common areas, amenities and facilities, in favour of Respondent No. 2 and in pursuance thereof, the Possession of the Flat has been



handed over to Respondent No. 2, which Respondent No. 2 hereby acknowledges and all follows up pursuant thereto will be don on the part of the Petitioner, in due course, including execution and registration of the necessary Sale Deed / Deed of Conveyance and to hand over all relevant title and project documents as may be required.

6. Respondent no.2 hereby acknowledges and confirms the above settlement and the petitioner's obligations thereunder, and states that upon completion of the said acts, she has no surviving grievance, claim, demand or monetary liability of any nature whatsoever against the Petitioner or against M/s.Skyline Constructions & Housing Pvt. Ltd. in relation to the said transaction or in relation to the subject matter of C.C. No. 7929/2020.

In view of the aforesaid amicable settlement, Respondent No. 2 does not wish to prosecute the complaint or to continue the proceedings in C.C. No.7929/2020 and has no objection to this Hon'ble Court quashing of the said criminal proceedings against the Petitioner.

7. The parties submit that the dispute is essentially of a private and commercial / civil nature arising out of a contractual transaction and that they have voluntarily entered into the present settlement of their own free will, without any coercion, threat, inducement or undue influence, and that continuance of the criminal proceedings would serve no useful purpose. Furthermore, the settlement is reached and acted upon in the best interest of both the Parties and with a view to put an end to the dispute that has arisen between them.

WHEREFORE, the Petitioner and Respondent No. 2 herein, most respectfully pray that this Hon'ble Court may be pleased to:-

a) Take this Joint Memo / Compromise Petition on record and be pleased to record the settlement between the Petitioner and Respondent No. 2; and



b) Quash the entire proceedings in C.C. No. 7929/202 arising out of Crime No. 4/2019 of Kottanur Poli Station, Bengaluru City, which was later investigated by the C.C.B., Bengaluru and pending on the file of the learned I Addl. Chief Metropolitan Magistrate, Bengaluru City for the offence punishable under Section 420 IPC and / or

c) Pass such other and further orders as this Hon'ble Court deems fit in the facts and circumstances of the case, in the interest of justice and equity."

4. Parties are present and are identified by respective counsel. On interaction, they have stated that terms of compromise have been explained to them and after understanding same, they have affirmed them out of their free will and volition without any threat, coercion or undue influence from anybody.

5. Learned High Court Government Pleader for respondent-State would submit that based on material collected during investigation a chargesheet was filed. However, in view of settlement, appropriate orders may be passed.

6. Heard learned counsel. A perusal of complaint and chargesheet would reveal that proceedings herein arose out of sale of an apartment, possession of which was agreed to be



delivered by accused in year 2014, but delayed. Apart from offences being purely *inter partes* and not having public ramifications, there is settlement between parties, terms of which appear to be lawful. Hence, Petition for compounding of offences is accepted.

7. In view of above, to secure ends of justice and as continuation of proceedings would be futile, Petition is ***allowed***, proceedings in C.C.no.7929/2020 on file of I ACMM, Bengaluru, stand quashed.

**Sd/-
(RAVI V HOSMANI)
JUDGE**