IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF DECEMBER, 2020

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO.6177 OF 2020

BETWEEN:

1. AMAN MEHRA,
SON OF SH. PROMOD MEHRA
AGED ABOUT 49 YEARS
DIRECTOR OF M/S. GLOBAL MODE AND
ACCESSORIES PVT. LTD.,
RESIDENT OF: FLAT NO.701,
ZION TOWER, DEEP FOREST COMPLEX,
SECTOR 92,
NOIDA-201 305,

2. GURUDEEP SINGH JASWAL,
S/O. SH. JOGA SINGH JASWAL,
AGED ABOUT 42 YEARS,
R/O K-168, SOUTH CITY-1,
GURGAON-122 001 ... PETITIONERS

(BY SRI S. RAMAKRISHNAN, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY HIGH GROUNDS POLICE STATION,
BENGALURU-560 002
REP. BY SPP HIGH COURT OF KARNATAKA
BENGALURU-560 001
2. M/S. THAMEEN HEALTH CARE PVT. LTD.,
A COMPANY UNDER THE INDIAN COMPANIES
ACT, 2013
HAVING ITS REGISTERED OFFICE AT

NO.51/3 COCKBURN ROAD,
NEAR CUNNINGHAM ROAD, SHIVAJI NAGAR,
BENGALURU-560 052,
KARNATAKA
REP. BY ITS DIRECTOR MOHAMMED REHAN SAYEED.
... RESPONDENTS

(BY SRI K. NAGESHWARAPPA, HCGP FOR R1;
SRI G.R. ANANTHRAM, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., PRAYING TO QUASH THE FIR IN CR.NO.52/2020 UNDER SECTORS 403, 409, 420, 468, 473 R/W. 120B OF IPC POLICE STATION HIGH CGROUNDS, BANGALORE, BEFORE THE IV A.C.M.M. BANGALORE, ETC.

THIS PETITION COMING ON FOR ORDERS, THROUGH VIDEO CONFERENCE IN BENGALURU, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. Petitioners are before this Court seeking for quashing of the FIR in Crime No.52/2020 registered by the High Grounds Police Station, Bangalore, for the alleged offences under Sections 403, 409, 420, 468 and 473 read with Section 120-B of IPC, now pending on the file of the 4th ACMM at Bangalore.

2. During the course of pendency of the above matter, affidavits of petitioner No.1 – Sri Aman

Mehra and petitioner No.2 – Sri Gurdeep Singh Jaswal, as also the affidavit of Dr. Mohammed Rehan Sayeed – the representative of respondent No.2 have been filed.

3. Dr. Mohammed Rehan Sayeed is before this Court through video conferencing identified by his counsel Sri G.R. Ananthram. Petitioner No.1 – Sri Aman Mehra and petitioner No.2 – Sri Gurdeep Singh Jaswal are also before this Court through video conferencing, identified by their counsel Sri S. Ramakrishnan.

4. All three of them submit that a settlement deed has been entered into between the petitioners and respondent No.2 on 22.10.2020. In terms thereof, all the disputes between them have been resolved. The petitioners have paid a sum of Rs.3,03,00,000/- to respondent No.2 in full and final settlement of the claims of respondent No.2.

5. Dr. Mohammed Rehan Sayeed, the representative of respondent No.2 acknowledges receipt of the said amount. He further states that respondent No.2 does not have any claim against the petitioners and any head of the account whatsoever, he does not wish to prosecute the complaint and he wants to withdraw the allegations/complaint.

6. Petitioner No.1 - Sri Aman Mehra and petitioner No.2 – Sri Gurdeep Singh Jaswal also confirms the payment made to respondent No.2. They further state that they have no other claims against respondent No.2.

7. All of them also submit that during the course of the investigation the Bank Accounts of M/s. Global Mode and Accessories Pvt. Ltd., of which petitioner No.1 is a Director and petitioner No.2 is

an employee, have been frozen during the course of the investigation.

8. Dr. Mohammed Rehan Sayeed has no objection for de-freezing of the said accounts. In view thereof respondent-police is directed to defreeze accounts of the M/s. Global Mode and Accessories Private Limited frozen during the course of the investigation in the above Company.

9. Taking into consideration the affidavits filed of petitioner Nos.1, 2 and respondent No.2, as also the statements made by them during the course of the hearing today that there are no claims against each other, respondent No.2 not wishing to prosecute the above complaint and wanting to withdraw the proceedings, I am of considered view that the continuance of the same would not be in the interest of the justice or of the parties, more so

when the complainant himself does not want to prosecute the matter.

9.

10. Taking into consideration the dicta laid by the Apex Court in the case of ***Gian Singh vs. State of Punjab and another*** reported in ***(2012) 10 SCC 303,*** the proceedings in Crime No.52/2020 registered by the High Grounds Police Station for the aforesaid offences is compounded and as such the proceedings are quashed. Petition is allowed.

Sd/-
JUDGE

SBS