**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 19TH DAY OF DECEMBER, 2024**

**BEFORE**

**THE HON'BLE MRS JUSTICE M G UMA**

**WRIT PETITION NO.14060 OF 2021 (GM-RES)**

**BETWEEN:**

1. SHRI.PRATIK SUSHIL MANTRI
   S/O SHRI SUSHIL MANTRI
   AGED ABOUT 31 YEARS
   M/S MANTRI DEVELOPERS PVT LTD.,
   MANTRI HOUSE, NO.41, VITTAL MALLYA ROAD
   BANGALORE-560001

2. SHRI SNEHAL MANTRI
   W/O SUSHIL PANDURANG MANTRI
   AGED ABOUT 58 YEARS
   M/S MANTRI DEVELOPERS PVT LTD.,
   MANTRI HOUSE, NO.41, VITTAL MALLYA ROAD
   BANGALORE-560001

Digitally signed by SWAPNA V
Location: high court of karnataka

3. SHRI SUSHIL PANDURANG MANTRI
   S/O SHRI PANDURANG MANTRI
   AGED ABOUT 58 YEARS
   DIRECTOR
   M/S MANTRI DEVELOPERS PVT LTD.,
   MANTRI HOUSE, NO.41, VITTAL MALLYA ROAD
   BANGALORE-560001

…PETITIONERS

(BY SMT.VANDANA P.L, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA
   BY CUBBON PARK POLICE STATION

BANGALORE CITY, REPRESENTED BY HCGP
HIGH COURT OF KARNATAKA
BANGALORE-560001

2. MR.PRASANNA S K
S/O K SRINIVAS SHEREGAR
AGED ABOUT 34 YEARS
RESIDING AT NO.G-26, PRABHAVATHI HEAVEN
3RD CROSS, 1ST MAIN,
BTM 4TH STAGE, DEVERACHIKKANAHALLI
BANGALORE-560076

…RESPONDENTS

(BY SMT.RASHMI JADHAV, ADDL. SPP FOR R.1;
SMT.JAITHRA J NARAYAN, ADVOCATE FOR R.2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE COMPLAINT DATED 30.07.2019 AND RESULTANT FIR DATED 30.07.2019 IN CRIME NO.147/2019 OF THE RESPONDENT CUBBON PARK POLICE STATION ARRAIGNING THE PRESENT PETITIONERS AS ACCUSED NOS.3 TO 5 RESPECTIVELY FOR THE OFFENCE PUNISHABLE U/SEC.406, 409, 420, 120B R/W SECTION 34 OF IPC PENDING ON THE FILE OF 4TH ADDL. CMM COURT, BANGALORE AND THE RESULTANT INVESTIGATION VIDE ANNEXURE-A AND B TO THE PETITION AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING B GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS JUSTICE M G UMA

**ORAL ORDER**

Heard Sri.Vandana P.L, learned counsel for the petitioners, Smt.Rashmi Jadhav, Additional SPP for respondent No.1 and Smt.Jaithra J. Narayan, learned counsel for respondent No.2. Perused the records.

2. Learned counsel for the petitioners and respondent No.2 submit in unison that the parties have amicably settled their dispute in terms of the joint affidavit filed before the Court.

3. The joint affidavit reads as under;

***JOINT AFFIDAVIT***

*"We, 1) Mr.Prathik Sushil Mantri s/o Sushil Pandurang Mantri aged about 36 years 2) Mrs.Snehal Mantri w/o Sushil Pandurang Mantri aged about 61 years 3) Mr.Sushil Pandurang Mantri s/o Pandurang Mantri, aged about 62 years are at No.5-1, C/5, Rich Homes, Richmond Road, Richmond Town, Bengaluru - 560025, the petitioner and Mr.Prasanna S.K S/o Sri.K.Srinivas Sheregar, aged about 37 years, residing at G-26, Prabhavathi Heaven, 3rd Cross, 1st Main, BTM 4th Stage, Deverachikkanahalli, Bengaluru - 560076, the 2nd respondent, do hereby jointly affirm and state the oath as follows:*

*1. We swear that the present petition is filed by the petitioners seeking quashing of the FIR in Crime No.147/2019 and dated 30.07.2019 filed by the first*

*respondent Cubbon Park Police Station upon receipt of complaint by the 2nd respondent. Interim order was granted by this Hon'ble Court pending the disposal of main petition, staying all further proceedings in the said crime number.*

*2. We swear that grievance of the complainant was that the petitioner company has received amount for apartment and failed to deliver the apartment or refund the money. Now, the 2nd respondent and the petitioners have entered into a Settlement agreement dated 14.11.2024 and taken possession of the Unit No.C-007 instead of Unit No.F-2106 in Project 'Mantri Webcity'. Whereby the dispute in the above detailed FIR has been resolved in its entirety. A copy of the settlement agreement dated 14.11.2024 is herewith produced at Hon'ble Court as Document No.1.*

*3. In view of the above settlement agreement and the observations in Gian Singh v. State of Punjab, it is most prayed that this Hon'ble Court be pleased to allow the writ petition and consequently quash the FIR in Crime No.147 of 2019 dated 30.07.2019 pending on the file of 1st respondent Cubbon Park Police Station arraigning the present petitioner as accused upon a joint memo/affidavit in the interest of justice.*

*Whatever stated above is true and correct to the best of our knowledge, information and belief and we believe them to be true."*

4. Learned counsel for respondent No.2 specifically stated that, since the dispute is amicably settled in terms as stated in the affidavit, he has no objection to allow the petition.

5. The joint affidavit and the submissions are placed on record.

6. The petitioners and respondent No.2 admit the contents of the joint affidavit.

7. It is brought to the notice of this Court that the similar petitions filed in W.P.No.15240/2021 connected with W.P.No.12911/2022 are also settled and the petitions are allowed.

8. In view of the above, I deem it appropriate to quash the FIR as the dispute is amicably settled. Accordingly, I pass the following

**ORDER**

(i) The writ petition is allowed.

(ii) The complaint dated 30.07.2019 and the FIR registered in Crime No.147/2019 of Cubbon Park Police Station, on the file of the learned 4th Additional CMM Court, Bangalore for the offences punishable under

Sections 406, 409, 420, 120B read with Section 34 of Indian Penal Code (for short 'IPC'), are hereby quashed.

**Sd/-**
**(M G UMA)**
**JUDGE**

NBM
List No.: 2 Sl No.: 3