IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO. 10411 OF 2024 (482(Cr.PC)/ 528(BNSS))

BETWEEN:

1. MRS. KAUSER RAFIQ
   D/O LATE M.S. ABDUL RAHMAN
   AND SMT. SARTAZ BEGUM
   W/O LATE RAFIQ BAIG,
   AGED ABOUT 53 YEARS
   NO. 25, RATHAN SINGH ROAD
   II FLOOR, FRAZER TOWN,
   BANGALORE - 560 005.

2. MRS. ISHRATH RAHMAN
   D/O LATE M.S. ABDUL RAHMAN
   AND SMT. SARTAZ BEGUM
   W/O MR. RAHIM SHAIF BAIG
   AGE 49 YEARS
   NO 82, 4TH FLOOR, FLAT NO. 402,
   ELIGENT CANTERBURRY APARTMENT,
   ROBERTSON ROAD, FRAZER TOWN
   BENGALURU - 560 005.

3. MRS. MUSARATH SHARIFF
   D/O LATE M.S. ABDUL RAHMAN
   AND SMT. SARTAZ BEGUM
   W/O MR. JALAL SHARIFF
   AGE 41 YEARS
   NO. 2/3, PLAIN STREET

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Location: High Court of Karnataka

INFANTRY ROAD CROSS,
BENGALURU - 560 001.

4. MR. RAHIM SHAFIQ BAIG
S/O MURTHUZA RAHIM BAIG
AGE 55 YEARS
NO. 82, 4TH FLOOR, FLAT NO. 402,
'ELIGENT CANTERBURRY APARTMENT',
ROBERTSON ROAD, FRAZER TOWN,
BENGALURU - 560 005.

5. MR. JALAL SHARIFF
S/O LATE MOHAMMED IBRAHIM
AGE 55 YEARS
NO 2/3, PLAIN STREET,
INFANTRY ROAD CROSS,
BENGALURU - 560 001.

…PETITIONERS

(BY SRI. NOORMOHAMMED, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY BHARATHI NAGAR,
POLICE STATION
THROUGH STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.

2. MR. SYED ANEER UR RAHMAN
S/O LATE M.S. ABDUL RAHMAN
AND SMT. SARTAZ BEGUM
AGE 42 YEARS
RESIDING AT NO. A102,
ROSARY APARTMENT NO. 97,

ST. JOHN.S CHURCH ROAD,
BANGALORE - 560 005.

…RESPONDENTS

(BY SRI. RAHUL RAI K, HCGP FOR R1;
SRI. BIMBADHAR M. GOWDAR, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO A) QUASH THE CHARGE SHEET FILED BY THE R1 BHARATI NAGAR POLICE IN CC NO. 53064/2024, IN THE FILE OF THE X ADDL. CHIEF METROPOLITAN MAGISTRATE BENGALURU AT ANN-M.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

Petitioners are before this Court seeking to quash the charge sheet filed in C.C.No.53064/2024 before the Court of X Additional Chief Metropolitan Magistrate Court, Bengaluru and all consequential proceedings arising out of FIR in Crime No.152/2020 registered at Bharathinagar Police Station, Bengaluru.

2. A private Complaint was filed by the 2nd respondent herein under Section 200 of Cr.P.C., which was referred to

police for investigation, consequent to which the FIR was registered against the petitioners.

3. Charge sheet is filed for the offence punishable under Sections 417, 420, 465, 467, 468, 471 and 120(B) r/w Section 34 of IPC.

4. It is alleged that the complainant's mother, who owned Flat Nos.A-102 and B-202 at Rosary Apartment, Bengaluru had orally intended to give one flat to the complainant. After her death on 01.06.2014, the complainant alleges that his sisters and their husbands conspired and forged his signature, fabricated documents, and on 13.10.2014 got the katha of the said flats fraudulently transferred in their own names.

5. It is submitted that the parties have settled the dispute in O.S.No.4399/2015 filed before the XII Additional City Civil and Sessions Court, Bangalore, filed by respondent No.2 for partition.

6. Petitioners and respondent No.2/defacto complainant are present before the Court. An application under

Section 320 r/w Section 482 of Cr.P.C is filed along with the joint memo and joint affidavit of the parties. Further, the certified copy of the Memorandum of Settlement entered between the parties, filed in FDP.No.101/2022 arising out of O.S.No.4399/2015, is also furnished.

7. Clause 9 of the said Memorandum of Settlement reads as under:

> *"9. It is admitted by both the parties that during the pendency of the civil litigation, the respondent herein initiated criminal proceedings against the petitioners and some of their family members. In view of the settlement arrived between the parties, the respondent has agreed to withdraw the criminal proceedings initiated by him against the petitioners. The petitioners herein filed Criminal petition No.10664/2023 and Crl.P.No.10411/2024 before the Hon'ble High Court seeking for quashing of the criminal proceeding. In view of the settlement, respondent undertakes to co-operate with the petitioner to report settlement in the above said pending criminal petition in terms of this settlement agreement."*

8. Respondent No.2 submits that the matter has been settled and in view of the settlement and undertaking given, he has no objection for quashing the proceedings.

9. The Hon'ble Apex Court in ***Narinder Singh and Others V. State of Punjab and Another*** reported in ***(2014) 6 SCC 466*** has held that when the parties have reached the settlement and on that basis, petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be:(i) to secure the ends of justice; or (ii) to prevent abuse of the process of any Court. It is further held that the criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

10. In ***B.S.Joshi and others V. State of Haryana and another*** reported in ***(2003) 4 SCC 675***, the Hon'ble Supreme Court has upheld the powers of the High Court under Section 482 of the code to quash criminal proceedings, where

dispute is of a private nature and the compromise is entered into between the parties.

11. The dispute is private in nature, wherein the parties to the *lis* have compromised the matter and resolved their disputes. Respondent No.2 filed a suit for partition in which the petitioners filed a counterclaim, which is stated to be decreed in terms of the settlement. Hence, to secure the ends of justice, it is just and proper to allow the application and permit the parties to compound the offence. Accordingly, the following:

ORDER

i. Consequently, the petition is ***allowed.***

ii. The entire proceedings in C.C.No.53064/2024 pending on the file of the X Additional Chief Metropolitan Magistrate Court, Bangalore are quashed.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

rv
List No.: 1 Sl No.: 32