IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 3843 OF 2026

BETWEEN:

K. M. VAMANA MURTHY,
S/O K.M. MAHABALARAO,
AGED ABOUT 62 YEARS,
R/AT ARYAN OPULENCE,
NO.204, 1ST FLOOR, C BLOCK,
UTTARAHALLI MAIN ROAD,
OPPOSITE MANDOVI MOTORS,
RAJARAJESHWARI NAGAR,
BENGALURU – 560 060.

(IN CC NO.14832/2008, R/AT NO.348,
1ST D CROSS, 2ND PHASE, 6TH BLOCK,
BANASHANKARI 3RD STAGE, BENGALURU)

...PETITIONER

Digitally signed by SANJEEVINI J KARISHETTY
Location: High Court of Karnataka

(BY MS.TEJASWINI V., ADVOCATE FOR
SRI S.SHANKARAPPA, ADVOCATE)

AND:

1. STATE BY BASAVANAGUDI WOMEN PS,
REPRESENTED BY SPP,
HIGH COURT COMPLEX,
BENGALURU – 560 001.

2. SRIDHARA MURTHY H.T.,
S/O PARAMESHWARAIAH,

AGED ABOUT 77 YEARS,
ON BEHALF OF CANARA BANK,
LALBAGH WEST BRANCH,
NO.29, MN KRISHNARAO ROAD,
BENGALURU – 560 004.

…RESPONDENTS

(BY SRI. B.N.JAGADEESHA, ADDL.SPP FOR R-1;

SRI. RAVISHANKAR A., ADVOCATE FOR R-2)

THIS CRL.P FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE JUDGMENT OF CONVICTION PASSED BY THE LEARNED II A.C.M.M BENGALURU IN C.C.NO.14832/2008 AS WELL AS THE CRIMINAL APPEAL PROCEEDINGS IN CRL.A.NO.518/2018 PENDING BEFORE THE LX ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU AGAINST THE PETITIONER FOR THE OFFENCES P/U/S 420 R/W 34 OF IPC.

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioner is before this Court seeking the following prayer:

> "WHEREFORE, the petitioner humbly prays that this Hon'ble Court may be pleased to exercise its inherent powers in the interest of justice and quash the judgment of conviction passed by the learned II ACMM, Bengaluru in C.C.No.14832/2008 as well as the criminal appeal proceedings in Criminal Appeal No.518/2018 pending before the LX Additional City Civil and Sessions

Judge, Bengaluru against the petitioner for the offences punishable u/s 420 r/w 34 IPC in the interest of justice."

2. Heard Ms.Tejaswini V, learned counsel appearing for the petitioner, Sri.B.N.Jagadeesha, learned Addl. SPP appearing for respondent No.1, Sri.Ravishankar A, learned counsel appearing for respondent No.2 and have perused the material on record.

2. The petitioner is accused No.1, is before this Court seeking the settlement of the disputed post-conviction for offence punishable under Section 420 of the IPC. The petitioner gets convicted in C.C.No.14832/2008 for the aforesaid offence. A Criminal Appeal preferred by the petitioner is said to be pending before the Court of Session. In the proceedings preferred by the petitioner in W.P.No.33838/3017 C/w W.P.No.13457/2017, the Coordinate Bench records the settlement and closes the proceedings against the parties. One of the condition of such settlement is the closure of the present proceedings as well.

3. In the light of the settlement arrived at between the parties, the issue now would be whether post-conviction this Court could obliterate the crime on the settlement arrived at between the parties. The issue is no longer *res integra*. The Apex Court in the case of ***RAMGOPAL AND ANOTHER v. STATE OF MADHYA PRADESH***[1], holds as follows:

> "***"13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions.*** *It goes without saying, that the cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence.* ***The touchstone for exercising the extra-ordinary power under Section 482 Cr.P.C. would be to secure the ends of justice. There can be no hard and fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482 Cr.P.C. may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in Narinder Singh v. State of Punjab and Laxmi Narayan (Supra).***
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> ***...*** ***...*** ***...***

[1] ***2021 SCC OnLine 834***

> ***19.*** *We thus sum-up and hold that as opposed to Section 320 Cr.P.C. where the Court is squarely guided by the compromise between the parties in respect of offences 'compoundable' within the statutory framework, the extra-ordinary power enjoined upon a High Court under Section 482 Cr.P.C. or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C.* ***Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind : (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations."***
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> *(Emphasis supplied)*

The Apex Court, right from the year 2003 in the case of ***B.S.JOSHI V. STATE OF HARYANA***[2]***,*** which is subsequently followed by the Apex Court in the case of ***NIKHIL MERCHANT V. CENTRAL BUREAU OF INVESTIGATION***[3] and in the case of ***MANOJ SHARMA V. STATE AND OTHERS***[4] has considered the fact that post conviction, a settlement can be accepted and proceedings can be obliterated by the Court, hearing a petition under Section 482 of the Cr.P.C.

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[2] ***(2003)4 SCC 675***
[3] ***(2008)9 SCC 677***
[4] ***(2008)16 SCC 1***

4. In that light, since the settlement is recorded by the Coordinate Bench and closes the proceedings which also contains a condition of closure of the subject crime, the order of conviction stands obliterated against the petitioner.

5. For the aforesaid reasons, the following:

O R D E R

[I] Criminal Petition is **allowed**.

[II] Proceedings in C.C.No.14832/2008 pending before the II A.C.M.M Bengaluru and Crl.A.No.518/2018 pending before the LX Addl. City Civil and Sessions Judge, Bengaluru, *qua* the petitioner stands quashed.

Sd/-
(M.NAGAPRASANNA)
JUDGE

CBC
List No.: 2 Sl No.: 82