HC-KAR

NC: 2026:KHC:59839
CRL.P No. 6597 of 2025

CNR: KAHC010299932025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 6597 OF 2025 (482(Cr.PC) / 528(BNSS))

BETWEEN:

SRI MUDDAYYA HIREMATH
S/O AMARAYYA M HIREMATH,
AGED ABOUT 42 YEARS,
R/AT 4-74, 157/158,
NEAR KBS BANK,
SHAHPUR, YADGIR,
KARNATAKA-585 223.

...PETITIONER

(BY SRI. JAYARAJ D S.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
RAJARAJESHWARI NAGAR
POLICE STATION,
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR,
DR AMBEDKAR VEEDHI,
BENGALURU-560 001.

2. SRI AKHIL ADITYA P
S/O PURUSHOTHAM K,
AGED ABOUT 25 YEARS,
R/AT NO.20, 9TH CROSS,
5TH MAIN, N R COLONY,
BASAVANAGUDI, BENGALURU

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KARNATAKA-560 019.

…RESPONDENTS

(BY SMT. RASHMI PATEL, HCGP FOR R1;
SRI. K. BALAKRISHNA., ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482(FILED U/S.528 BNSS) CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS REGISTERED AS A FIR IN CRIME NO.52/2025 BY THE CONCERNED JURISDICTIONAL RAJARAJESHWARI NAGAR POLICE STATION, RESPONDENT NO.1 FOR THE OFFENCE P/U/S 316(2),318(4),329(4),336(2),336(3),340(2), 352(3)(5) OF BNS 2023 AS AGAINST THE ACCUSED NO.1 PETITIONER VIDE ANNEXURE A1 AS A CONSEQUENCE TO THE COMPLIANT LODGED BY THE COMPLAINANT RESPONDENT NO.2.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following relief's;

> "a) Quash the entire proceedings registered as a FIR in Crime No.52/2025 by the concerned jurisdictional Rajarajeshwari Nagar Police Station-respondent No.1 for the offences punishable under Sections 316(2), 318(4), 329(4), 336(2), 336(3), 340(2), 352(3)(5) of the Bharatiya Nyaya Sanhita (BNS), 2023 as against the accused No. 1- petitioner vide ANNEXURE - A1 as a consequence to the complaint lodged by the complainant respondent No. 2."

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2. Respondent No.2, who is the grandson of the petitioner, lodged a complaint on 05.03.2025 alleging that the petitioner had taken possession of apartment No.5032, Type S, Prestige Bagamane Temple Bells, 3rd Floor, Hosakerehalli, Bengaluru, belonging to the grandmother of respondent No.2.

3. It is alleged that the petitioner, on the pretext of purchasing the said apartment and inspecting the same, had obtained the key from respondent No.2 and thereafter taken possession of the apartment. Pursuant thereto, FIR in Crime No.52/2025 came to be registered by the Rajarajeshwari Nagar Police Station for offences punishable under Sections 316, 318(4), 329(4), 336(2), 336(3), 340(2) and 352(3)(5) of the Bharatiya Nyaya Sanhita, 2023.

4. When the matter was taken up for hearing, learned counsel appearing for the parties submitted that there was a possibility of arriving at an amicable settlement by resolving all the disputes between them. Accordingly, the matter was referred to mediation.

5. A mediation report has since been received, enclosing the Memorandum of Settlement entered into under Section 89 of the Code of Civil Procedure, 1908, read with Rules 24 and 25 of the Karnataka Civil Procedure (Mediation) Rules, 2005. In terms of the said settlement, respondent

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No.2 has paid a sum of ₹73,00,000/- to the petitioner by way of RTGS, the receipt of which has been acknowledged by the petitioner.

6. Under the terms of the settlement, the parties have agreed to bring to an end the proceedings in C.C. No.94/2022 pending before the State Consumer Disputes Redressal Commission, Bengaluru, the proceedings arising out of Crime No.52/2025 pending before the IV Additional Chief Judicial Magistrate, Bengaluru, and the proceedings arising out of Crime No.1/2026 registered by the Basavanagudi Police Station and pending before the II Additional Chief Judicial Magistrate, by taking necessary steps and extending cooperation in accordance with law.

7. The present petition arises out of Crime No.52/2025, which is specifically covered by the Memorandum of Settlement. In view of the settlement having been arrived at between the parties, the payment of ₹73,00,000/- having been made and acknowledged, and the disputes between the parties having been resolved holistically, this Court is of the considered opinion that continuation of the criminal proceedings would serve no useful purpose and would only cause further hardship to the parties.

8. Having regard to the settlement voluntarily arrived at between the parties and the fact that the dispute has

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been resolved in its entirety, this Court is satisfied that continuation of the proceedings arising out of Crime No.52/2025 would amount to an abuse of the process of law. It is, therefore, appropriate to exercise the inherent jurisdiction of this Court to secure the ends of justice.

9. It is made clear that the observations made herein are confined to the present proceedings and shall not affect the parties' obligations under the Memorandum of Settlement in respect of the other proceedings referred to therein.

10. In that view of the matter, this Court passes the following:

ORDER

(i) Criminal petition is **allowed**.

(ii) The FIR in Crime No.52/2025 registered by the jurisdictional Rajarajeshwari Nagar Police Station-respondent No.1 for the offences punishable under Sections 316(2), 318(4), 329(4), 336(2), 336(3), 340(2), 352(3)(5) of the Bharatiya Nyaya Sanhita (BNS), 2023 as against the accused No. 1- petitioner vide ANNEXURE - A1 is **quashed**.

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This Court places on record its appreciation and commendation for Mr. Vivek Mehta, the learned Mediator, who has successfully resolved the matter by way of mediation.

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(SURAJ GOVINDARAJ)
JUDGE

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List No.: 2 Sl No.: 7