HC-KAR
NC: 2026:KHC:60334
CRL.P No. 8225 of 2019
CNR: KAHC010515582019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.8225 OF 2019

BETWEEN:

1. SRI. R. MANJUNATH
   S/O M. RAMAIAH
   AGED ABOUT 52 YEARS

2. SMT. RENUKA M
   W/O R. MANJUNATH
   AGED ABOUT 37 YEARS

   BOTH ARE
   RESIDING AT FLAT NO.003
   KEERTHI CHALET
   BLOCK A SY. NO.9 AND 10
   COCONUT GROOVE LAYOUT
   BEHIND DEVAMATHA CENTRAL SEHOOL
   HORAMAVU, K.R.PURAM HOBLI
   BENGALURU-560043.

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

...PETITIONERS

(BY SRI. ROOPESHA B., ADVOCATE)

AND:

1. STATE BY
   HENNUR POLICE STATION, BENGALURU
   REP. BY STATE PUBLIC PROSECUTOR
   HIGH COURT BUILDING
   BENGALURU-560001.

2. MRS. T.K. RADHA
W/O RAVIGOPAL
AGED ABOUT 48 YEARS
PROP. PRERANA HOMES
NO.9, PRERANA SHATNHI NIVAS APARTMENTS
7TH CROSS, ASHIRWAD COLONY
HORAMAVU, BENGALURU-560 082.

…RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SRI. VIJAY KUMAR T., ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. PRAYING TO QUASH THE ENTIRE PROCEEDINGS INITIATED AGAINST THE PETITIONERS IN CR.NO.256/2018 PENDING BEFORE THE XI ADDL.C.M.M., MAYOHALL, BENGALURU IN PCR NO.55633/2018 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 424, 418, 464, 468 AND 420 OF IPC FILED BY THE RESPONDENT POLICE.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard learned counsel for petitioners, learned High Court Government Pleader for respondent No.1 and learned counsel for respondent No.2.

2. The prayer is sought praying this Court to quash Crime No.256/2018 which is arising out of PCR No.55633/2018 for the offence punishable under Sections 406, 418, 420, 424, 463, 464 and 468 of IPC. The crime is registered based on the matter referred under Section 156(3).

3. The counsel appearing for the petitioners would vehemently contend that no dispute that earlier there was an agreement between the complainant and petitioner No.1 and having accepted the amount of Rs.1 Crore executed Joint Development Agreement and General Power of Attorney. The counsel would vehemently contend that subsequent to registration of this case, parties have settled the matter. As a result, the document of Cancellation of Deed of Mortgage, Joint Development Agreement and General Power of Attorney came into existence as per Annexures-G, H and J. The counsel also brought to notice of this Court that in view of settlement arrived between the parties, the respondent No.2-complainant is not coming forward and failed to appear before this Court. The counsel also contend that these documents are evident that matter has already been settled between the parties and

complainant is also not showing any interest in pursuing the private complaint.

4. Having considered these documents of Annexures-G, H and J, these documents are registered documents and complainant is also a party to these documents i.e., Cancellation of Discharge Deed, Cancellation of Joint Development Agreement and Cancellation of General Power of Attorney and these documents came into existence subsequent to filing of private complaint.

5. When such being the case and dispute is also with regard to execution of Mortgage Deed and while selling the very same property to the third party, this private complaint came into existence and subsequently, while discharging the Mortgage Deed, amount was repaid in favour of complainant and after having received the amount itself, the mortgage deed was cancelled. When such being the material available before the Court, question of continuing the criminal prosecution arising out of a private complaint does not arise and the Court has to take note of subsequent conduct and the complainant is

also a party to Cancellation of Discharge Deed, Cancellation of General Power of Attorney as well as Cancellation of Joint Development Agreement.

6. The learned High Court Government Pleader for respondent No.1 would submit that only based on the direction given by the Trial Court referring the matter under Section 156(3), FIR was registered.

7. Having taken note of these documents available before the Court, it is a fit case to exercise the power under Section 482 of Cr.P.C. or otherwise, it amounts to miscarriage of justice and when the registered documents are evident that dispute arose between the parties are settled and the complainant after having received the amount is also not showing any interest in pursuing the complaint, since registered documents came into existence subsequently it is a fit case to exercise the power under Section 482 of Cr.P.C.

8. In view of the discussion made above, I pass the following:

CNR: KAHC010515582019

ORDER

(i) The criminal petition is ***allowed.***

(ii) The proceedings initiated against the petitioners i.e., accused Nos.1 and 4 in Crime No.256/2018 which is arising out of PCR No.55633/2018 for the offence punishable under Sections 406, 418, 420, 424, 463, 464 and 468 of IPC, is hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

ST
List No.: 1 Sl No.: 17