HC-KAR

NC: 2026:KHC:61427
CRL.RP No. 1178 of 2024
C/W CRL.RP No. 1249 of 2024

CNR: KAHC010517832024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MRS. JUSTICE GEETHA K.B.

CRIMINAL REVISION PETITION NO. 1178 OF 2024

C/W

CRIMINAL REVISION PETITION NO. 1249 OF 2024

IN CRL.RP No. 1178/2024

BETWEEN:

1. M/S. OM TIMBERS,
   78/2, V.V. PURAM,
   ROHIT NAGAR, NELAMANGALA,
   BANGALORE - 562 123.
   REPRESENTED BY ITS PARTNER
   SRI. PRAFUL CHANDRA PATEL,
   AGED ABOUT 64 YEARS,
   S/O LATE RATANSI R PATEL.

2. SRI. PRAFUL CHANDRA PATEL,
   AGED ABOUT 64 YEARS,
   S/O LATE RATANSI R PATEL,
   PARTNER - M/S OM TIMBERS
   78/2, V.V. PURAM,
   ROHIT NAGAR, NELAMANGALA,
   BANGALORE - 562 123.

...PETITIONERS

(BY SRI SHYAM SUNDER BAJPEKAR, ADVOCATE)

Digitally Signed By:
K B GEETHA

AND:

SRI. ASLAM KASSAM MERCHANT,
S/O LATE KASSAM,
AGED ABOUT 56 YEARS,
PROPRIETOR,
M/S SWADESH ASSOCIATES,
HAVING ITS HEAD OFFICE AT
NO.85, VICTORIA ROAD,
MUSTAFA BAZAR, BYCULLA,
MUMBAI - 400 010.

…RESPONDENT

(BY KUMARI GLANCI S.D., ADVOCATE FOR
SRI CHIDANANDA KEDILAYA M., ADVOCATE (VC))

THIS CRL.RP IS FILED U/S.397 R/W 401 CR.P.C (U/S 438 R/W 442 BNSS) PRAYING TO SET ASIDE THE JUDGMENT DATED 22.12.2023 PASSED BY THE LEARNED IV JMFC, AT MANGALURU IN CC.NO.1332/2023 AT THE TRIAL COURT BELOW AND ALSO SET ASIDE THE JUDGMENT DATED 20.07.2024 PASSED BY THE HONBLE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, D.K., MANGALURU IN CRL.A.NO.16/2024, BEING THE APPELLATE COURT.

IN CRL.RP NO. 1249/2024

BETWEEN:

1. M/S. OM TIMBERS,
   78/2, V.V. PURAM,
   ROHIT NAGAR, NELAMANGALA,
   BANGALORE - 562 123.

Digitally Signed By:
K B GEETHA

REPRESENTED BY ITS PARTNER
SRI. PRAFUL CHANDRA PATEL,
AGED ABOUT 64 YEARS,
S/O LATE RATANSI R PATEL.

2. SRI. PRAFUL CHANDRA PATEL,
AGED ABOUT 64 YEARS,
S/O LATE RATANSI R PATEL,
PARTNER - M/S OM TIMBERS
78/2, V.V. PURAM,
ROHIT NAGAR, NELAMANGALA,
BANGALORE - 562 123.

...PETITIONERS

(BY SRI SHYAM SUNDER BAJPEKAR, ADVOCATE)

AND:

SRI. ASLAM KASSAM MERCHANT,
S/O LATE KASSAM,
AGED ABOUT 56 YEARS,
PROPRIETOR,
M/S SWADESH ASSOCIATES,
HAVING ITS HEAD OFFICE AT
NO.85, VICTORIA ROAD,
MUSTAFA BAZAR, BYCULLA,
MUMBAI - 400 010.

...RESPONDENT

(BY KUMARI GLANCIA S.D., ADVOCATE FOR
SRI CHIDANANDA KEDILAYA M., ADVOCATE)

THIS CRL.RP IS FILED U/S.397 R/W 401 OF CR.P.C PRAYING TO SET ASIDE THE JUDGMENT DATED 22/12/2023 PASSED BY THE LEARNED IV JMFC, AT MANGALURU IN CC NO. 5727/2019 FOR THE OFFENCE P/U/S 138 OF N.I ACT, AT THE TRIAL COURT BELOW AND

Digitally Signed By:
K B GEETHA

ALSO SET ASIDE THE JUDGMENT DATED 20/07/2024 PASSED BY THE HONBLE II ADDL. DISTRICT AND SESSIONS JUDGE, AT DK, MANGALURU IN CRIMINAL APPEAL NO.15/2024, BEING THE APPELLATE COURT BELOW.

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

CORAM: HON'BLE MRS. JUSTICE GEETHA K.B.

ORAL ORDER

1. The learned counsel for the revision petitioner files a memo along with two RTGS receipts that the revision petitioner has paid the entire amount due to the respondent.

2. The learned counsel for the revision petitioner-Kum. Glancia S.D. and Sri Chindananda Kedilaya M appeared through video conference and submitted that the entire amount is received by the respondent.

3. In view of the submission of both sides the revision petitions are dismissed as withdrawn.

Digitally Signed By:
K B GEETHA

4. The mediation report dated 30.09.2026 establishes that there is settlement between the parties. The relevant terms and conditions of the mediation report at para No. III is as follows:

> 1) *In view of this settlement the Petitioner/Accused agrees to pay a total sum of Rs.9,80,000/- (Rupees Nine Lakhs Eighty Thousand Only) to the Respondent/Complainant towards full and final settlement of all the claims of the Respondent/ Complainant. The Respondent/ Complainant has agreed for the same.*
>
> 2) *Out of the said agreed amount the Petitioner/ Accused has no objection for the Respondent/ Complainant to withdraw 5,00,000/- (Rupees Five Lakhs Only) which was deposited by the Petitioners/Accused before the Trail Court.*
>
> 3) *The remaining balance amount of Rs.4,80,000/- (Rupees Four Lakhs Eighty Thousand Only) shall be paid by the Petitioners/Accused to the Respondent/Complainant on or before 30.11.2026 by way of online transfer/demand draft. The Respondent/Complainant has agreed for the same.*
>
> 4) *Both the parties agree to the terms and conditions mentioned supra. In case of default of payment as agreed above by the Petitioner/Accused to the Respondent/ Complainant, then the agreement shall be cancelled and the parties agree that the*

Digitally Signed By:
K B GEETHA

matter may be dealt with in accordance with the judgment of the trial court.

5) The parties further state that there has been no collusion or force, fraud or any undue influence by any of the parties to enter into this into this compromise in the aforesaid manner

5. On perusal of mediation report and submission of both sides, and since the settlement is admitted, it is found that the settlement between the parties is voluntary and lawful.

6. In view of the settlement between the parties, the revision petitions are ***disposed of*** in terms of the settlement between the parties.

Digitally Signed By:
K B GEETHA

(GEETHA K.B.)
JUDGE

LL
List No.: 1 Sl No.: 27