

Kishor Kumar vs State of Karnataka

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Court : Karnataka Orders

Decided On : May-29-2025

Judge : Suraj Govindaraj

Appeal No. : CRL.P/10574/2022

Appellant : Kishor Kumar

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF MAY, 2025 BEFORE THE HON'BLE
MR JUSTICE SURAJ GOVINDARAJ CRIMINAL PETITION NO. 10574
OF 2022 (482(Cr.PC) / 528(BNSS)-) BETWEEN:

1. KISHOR KUMAR

S/O BASKARASETHURAJ AGED ABOUT 52 YEARS OCC-REGIONAL
MANAGER, CCC LTD ADDRESS: 369 23RD MAIN, 2ND STAGE, 1ST
PHASE BEHIND GANGOTHRI HOSPITAL BTM LAYOUT,
BANGALORE SOUTH BANNERGHATTA ROAD BENGALURU

KARNATAKA -560076

2. V ARUNACHALAM S/O VADIVELU AGED ABOUT 42 YEARS OCC-
HR MANAGER, CCC LTD ADDRESS: NO.532 16TH CROSS JP
NAGAR

Digitally signed 4TH PHASE BANGALORE SOUTH by SHWETHA

Location: HIGH COURT OF 3. M GANESH KARNATAKA S/O A MUTHU
KRISHNAN AGED ABOUT 42 YEARS OOC: SR. EXECUTIVE , CCC
LTD ADDRESS NO.39 2ND CROSS ND 22ND MAIN
VINAYAKANAGAR J P NAGAR 5TH PHASE BANGALORE SOUTH, JP
NAGAR BANGALORE, KARNATAKA -560078 PETITIONERS (BY SRI.
RAJATH., ADVOCATE FOR SMT. KEERTHANA
NAGARAJ.,ADVOCATE) -2- AND:

1. STATE OF KARNATAKA BY THE POLICE OF PUTTENAHALLI
POLICE STATION BENGALURU -560 078 REP BY THE STATE
PUBLIC PROSECUTOR HIGH COURT OF KARNATAKA BENGALURU
-560001

2. B N NAVAB KHAN S/O B M AFIS KHAN AGED ABOUT 59 YEARS 3
MONTHS ADDRESS-NO.25/4 3RD CROSS GANESH BLOCK RY
NAGAR BENGALURU CITY KARNATAKA -560007

RESPONDENTS (BY SRI. P. PRASHANTH., ADVOCATE FOR SRI.
M.M. PRASHANTHA., ADVOCATE FOR R2; SMT. N. ANITHA GIRISH.,
HCGP FOR R1) THIS CRIMINAL PETITION IS FILED U/S.482 CR.P.C
BY THE ADVOCATE FOR THE PETITIONER PRAYING TO PASS AN
ORDER, QUASHING THE FIR IN CR.NO.238/2022 OF PUTTENAHALLI
POLICE STATION, REGISTERED FOR THE OFFENCE P/U/S 420 OF
IPC PENDING ON THE FILE OF LD. XXXTH ADDL.C.M.M.,
BENGALURU AND ETC. THIS CRIMINAL PETITION, COMING ON
FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioners are before this Court seeking for the following relief: Pass an order quashing the FIR in Crime No. -3-

offences punishable u/s 420 of IPC 1860, pending on the file of the Ld. XXXth Additional Chief Metropolitan Magistrate (ACMM), Bengaluru, in the interest of justice.

2. The proceedings in Crime No.238/2022 had been registered against the petitioner for offence under Section 420 of IPC.

3. During the pendency of the above matter, the

dispute between the parties has been settled and application under Section 482 r/w Section 320 of the CRP.C. has been filed. Along with the said application the joint affidavit has been filed, which reads as under; JOINT AFFIDAVIT OF SETTLEMENT We, Kishor Kumar, S/o Baskara Sethuraj aged about 55 years Occ-Regional Manager, C.C.C. Ltd, R/at: 369, 23rd Main 2nd Stage 1st Phase, Behind Gangothri Hospital B.T.M Layout, Bangalore South, Bannerghatta Road, Bengaluru-560076, the Petitioner No.1, and V Arunachalam, S/o Vadivelu, aged about 45 Years, Occ: H.R Manager, C.C.C. Ltd, R/at: No: 532, 16th Cross, J.P Nagar 4th Phase, Bengaluru South-560078, the Petitioner No.2, and M Ganesh, S/o A Muthukrishnan, aged about 45 Years, R/at: No.39, 2nd Cross, 22nd Main, Vinayakanagar, J.P -4- Nagar, 5th Phase, Bengaluru South, J.P Nagar, Bengaluru- 560078, the Petitioner No.3, and B.N Navab Khan, S/o B.M Afis Khan, aged about 62 Years, R/at: No.25/4, 3rd Cross, Ganesh Block, R.Y Nagar, Bengaluru-560007, the Respondent No.2 herein do-hereby solemnly affirm and state on oath as follows:

1. That the afore-mentioned proceedings have been

preferred with a prayer to quash the F.I.R registered in Cr.No. 238/2022 registered by the Respondent No.1 Puttenahalli Police Station against the Petitioners herein for the alleged offences punishable under Section

420 of I.P.C based on a Complaint lodged by the Respondent No.2 herein pending before the Ld. XXX Addi Chief Metropolitan Magistrate at Bengaluru to meet the ends of justice.

2. After intervention of elders, well-wishers and friends,

the dispute between the parties have agreed to be solved taking into consideration the relationship between the parties and to buy peace and to maintain harmonious relationships between the parties, both the Accused and the Complainant have come forward to settle the disputes inter-se existing between them once and for all.

3. In view of the settlement/compromise entered into

between the parties, the Petitioners have agreed to pay a sum of Rs 6,66,126/-to the Respondent No.2 and have obtained a Demand Draft dt.19.05.2025 in favor of Sri B.H Shubdhar Khan, who is the brother of the Respondent No.2 herein bearing No. 946478 drawn on City Union Bank Ltd, Mount Road, Chennai-49. The Respondent No.2 hereby unequivocally submits that he has received the said Demand Draft as a Full and Final Settlement and acknowledges that he/his legal representatives/legal heirs have no further claims as against the Petitioners or their Company (C.C.C.L). Copy of the Demand Draft is herewith attached for the kind perusal of this Honble Court. -5-

4. It is Humble stated that the compromise entered into between the parties is not out of force, coercion or by misrepresentation and that parties are before this Court out of their own will and volition. PRAYER WHEREFORE, it is humbly prayed that, in view of the Settlement/Compromise entered into between the parties,

this Hon'ble Court may be pleased to pass an order

quashing the F.I.R registered in Cr.No. 238/2022 registered by the Respondent No.1 Puttenahalli Police Station against the Petitioners herein for the alleged offences punishable under Section 420 of I.P.C based on a Complaint lodged by the Respondent No.2 herein and its consequential proceedings pending before the Ld. XXX Addl Chief Metropolitan Magistrate at Bengaluru to meet the ends of justice.

4. Respondent No.2 is personally present before this

Court, he acknowledges receipt of sum of Rs.6,66,126/- by way of demand draft bearing No.946478 drawn on City Union Bank Limited, Chennai, in terms final settlement of all the dues of the petitioner to respondent No.2.

5. Placing the said joint affidavit on record and the

submission of respondent No.2 that he has voluntarily entered into the settlement and he has no -6- intention to prosecute the above complaint is placed on record. Hence, I pass the following;

ORDER

i. The criminal petition is disposed of. ii. The proceeding in crime No.238/2022 registered in Puttenahalli Police Station pending on the file of the 30th Additional Chief Metropolitan Magistrate Bengaluru is quashed Sd/- (SURAJ GOVINDARAJ)
JUDGE SR List No.: 4 SI No.: 3

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