



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 12629 OF 2025

(482(Cr.PC) / 528(BNSS))

BETWEEN:

1. SRI SIMAL ASHWIN KUMAR SHAH
AGED ABOUT 42 YEARS
S/O LAKSHMI CHAND SHA
R/AT TOWER-1, NO.401-402
HAPPY HOME COMPLEX
NEW LINK ROAD,
BORIVALI (WEST) BOMBAY
MAHARASHTRA 400092.
2. SRI. ASHWIN LAKSHMI CHAND SHAH
AGED ABOUT 70 YEARS
S/O ASHWIN KUMAR LAKSHMI CHAND SHAH
R/AT TOWER-1, NO.401-402
HAPPY HOME COMPLEX
NEW LINK ROAD, BORIVALI (WEST) BOMBAY
MAHARASHTRA-400092.
3. SRI. CHINTAN ASHWIN KUMAR SHAH
AGED ABOUT 44 YEARS
S/O LAKSHMI CHAND SHA
R/AT TOWER-1, NO.401-402
HAPPY HOME COMPLEX
NEW LINK ROAD, BORIVALI (WEST) BOMBAY
MAHARASHTRA 400092.
4. SRI ISHAN RAJESH MINTA
@ ISHAN MEHTA
AGED ABOUT 36 YEARS





S/O SRI. RAJESH
R/A NO.601, SARATHI HANUMAN ROAD,
NEAR JAIN TEMPLE, VTC-VILE PARLE (EAST)
MUMBAI
MAHARASHTRA 400057.

5. MR. RAJESH SHAH
@ MEET RAJESH SHA
AGED ABOUT 36 YEARS
S/O MEET RAJESH SHA
R/A NO.501-502, AAVISHKAR APARTMENTS
D.P.ROAD, L.T. CROSS,
OPP AJANATHA TALKIES
BORIVALI (WEST) BOMBAY
MAHARASHTRA 400092.

...PETITIONERS

(BY SRI. RAMESH GOWDA M.K., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA BY
COMMERCIAL STREET POLICE STATION
BENGALURU
REPRESENTED BY STATE PUBLIC PROSECUTOR,
BENGALURU DISTRICT
BENGALURU.
2. MR. D.P. PRAKASH,
AGED ABOUT 58 YEARS,
S/O D.S. PUTTANNA COMMERCIAL OFFICER
M/S SHANKAR BUILDING PRODUCT LTD
NO.133, FAHARA INFRA
INFANTRY ROAD, SHIVAJINAGAR
BENGALURU 560 001.

...RESPONDENTS

(BY SRI. B.N. JAGADEESH, ADDL. SPP FOR R1
SRI. LALITH KUMAR R, ADVOCATE FOR R2)



THIS CRL.P IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE CRIMINAL PROCEEDINGS IN CRIME NO.108/2025 OF COMMERCIAL STREET POLICE, BENGALURU FOR THE OFFENCES P/U/S 316(2), 318(4), 351(2), 352, 190 OF BNS PENDING ON THE FILE OF THE 4TH ADDL. CMM COURT, NRUPATHUNGA ROAD, BENGALURU CITY.

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

CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA

ORAL ORDER

The petitioners are before this Court calling in question the registration of a crime in Crime No.108/2025 for the offences punishable under Sections 316(2), 318(4), 351(2), 352, 190 of BNS pending on the file of the IV Additional Chief Metropolitan Magistrate, Nrupathunga Road, Bengaluru.

2. During the subsistence of the subject petition, the parties to the *lis* have settled the dispute amongst themselves by drawing up certain terms of settlement.

3. The joint affidavit so filed reads as follows:-

"JOINT AFFIDAVIT OF THE PARTIES

We (1) Sri. Simal Ashwin Kumar Shah, aged about 42 years, S/o Lakshmi Chand Shah, residing at Tower-1, No.401-402, Happy Home Complex, New Link Road, Borivali (West), Bombay, Maharashtra - 400092; (2) Sri. Ashwin Lakshmi Chand Shah, aged about 70 years, S/o



Ashwin Kumar Lakshmi Chand Shah, residing at Tower-1, No. 401-402, Happy Home Complex, New Link Road, Borivali (West), Bombay, Maharashtra - 400092; (3) Sri. Chintan Ashwin Kumar Shah, aged about 44 years, S/o Lakshmi Chand Shah, residing at Tower-1, No. 401-402, Happy Home Complex, New Link Road, Borivali (West), Bombay, Maharashtra - 400092; (4) Sri. Ishan Rajesh Minta @ Ishan Mehta, aged about 36 years, S/o Sri. Rajesh, residing at No. 601, Sarathi, Hanuman Road, Near Jain Temple, VTC - Vile Parle (East), Mumbai, Maharashtra - 400057; (5) Mr. Rajesh Shah @ Meet Rajesh Shah, aged about 36 years, S/o Meet Rajesh Shah, residing at No.501-502. Aavishkar Apartments, D.P. Road, L.T. Cross, Opp. Ajanatha Talkies, Borivali (West), Bombay, Maharashtra - 400092, now at Bengaluru, being the Petitioners hereinabove named; and (6) Sri. D.P. Prakash, working as Recovery Officer, M/s Shankar Building Product Ltd., Commercial Street, Bangalore, being the Second Respondent hereinabove mentioned do hereby jointly solemnly affirm and state on oath as follows:

- 1. We jointly submit that among us 1 to 5 are the petitioners in the above case and 6 is the second respondent in the above case respectively. We know the facts and circumstances of the above case. Hence we are swearing to this affidavit.*
- 2. That the Respondent No.2/Complainant had lodged a complaint against the Accused/Petitioner resulting in registration of*



FIR in Crime No.0108/2025 for the offences punishable under Section 316 (2), 318 (4), 351 (2), 352 and 190 of BNS.

3. *That after due discussion of ourselves, we have come to an amicable conclusion. The respondent No.2 in the above matter has decided and concluded not to proceed any further in the above said crime against the petitioners and the respondent No.2 has no objection to defreeze the bank accounts of the petitioner namely*
4. *That during the pendency of the above proceedings, we all parties have resolved the dispute amicably and voluntarily without any force, coercion, undue influence etc.*
5. *That the 2nd Respondent states that he has realized that pending of the criminal proceedings would hamper his future and hence desired to withdraw his allegations made against the petitioners and close the criminal case on his own will and volition.*
6. *The 2nd respondent further states that since all the disputes between him and the petitioners are settled in full and entirety the second respondent is not willing to prosecute the complaint in any manner against the petitioners and to defreeze the bank account*



0386050000096 which is freezed during the course of investigation by the police in Crime No. 108/2025.

- 7. We jointly state that in view of the mutual statement between us we have no grievances or claims against each other in future and we have withdrawn the allegations and counter-allegations. We have filed this joint affidavit on our own volition.*
- 8. The second respondent further states that he has no objection to the bank authorities or police officials to defreeze the bank account.*
- 9. We jointly state that the dispute between us is fully settled in full and final satisfaction and there are no dues between each other.*
- 10. That the 2nd respondent further undertakes that he will not file any civil or criminal cases arising out of the same cause of action against petitioners of whatsoever nature in future. We all adhere to the terms of this settlement and the 2nd respondent has received demand draft bearing No.068749, dated 20-2-2026, drawn on Bank of Board, Boriwali West, Mumbai, for an amount of Rs.35,00,000/-(Rupees Thirty Five Lakhs Only) towards the liability.*



WHEREFORE, we jointly pray to quash the FIR and other criminal proceedings pending before the IV Additional Chief Judicial Magistrate in the ends of justice."

4. In the light of the offence being the one punishable under Section 316 of BNS, which is 406 of the earlier regime the IPC, I deem it appropriate to accept the settlement and close the proceedings against the petitioners.

5. Hence, the following order is passed:

ORDER

- (i) The petition stands disposed in terms of the joint affidavit.
- (ii) The proceedings in Crime No.108/2025 of Commercial Street Police, Bengaluru, for the offences punishable under Sections 316(2), 318(4), 351(2), 352, 190 of BNS pending on the file of the IV Additional Chief Metropolitan Magistrate, Nrupathunga Road, Bengaluru, are quashed *qua* the petitioners.



- (iii) In view of disposal of the petition, pending I.As., if any, do not survive for consideration and the same stand disposed.

Sd/-
(M.NAGAPRASANNA)
JUDGE

PMR
List No.: 1 Sl No.: 218