NC: 2023:KHC-D:9898
CRL.P No. 101852 of 2023

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 1ST DAY OF SEPTEMBER, 2023

BEFORE

THE HON'BLE MR JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 101852 OF 2023

BETWEEN:

SRI. SUNIL RAJ B.M. S/O LATE BASAVARAJ M.,
AGE. 34 YEARS, OCC. PRIVATE,
RESIDING AT NO. 64A, LALITADRI,
3RD 'A' CROSS, 1ST MAIN ROAD,
DCM TOWNSHIP, DAVANAGERE-577002.

... PETITIONER

(BY SRI. UMESH .P. HAKKARAKI &
SRI. V.S. NARAYANA, ADVOCATES)

AND:

1. STATE OF KARNATAKA,
BY HUBBALLI WOMEN POLICE, HUBBALI,
R/BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING, DHARWAD-580001.

2. SMT. AISHWARYA @ AISHWARYA
W/O SRI SUNIL RAJ B.M.,
AGE. 32 YEARS, OCC. HOUSEWIFE,
RESIDING AT NO.50, SRI RENUKA NILAYA,
ANAND NAGAR ROAD, SIDDARAMESHWARA
NAGARA, OLD HUBBALLI, HUBBALLI-24.

... RESPONDENTS

(BY SRI. V.S. KALASURMATH, HCGP FOR R1;
SRI. D.M. MANJUNATH, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/SEC. 482 OF CR.P.C. SEEKING TO QUASH THE COMPLAINT DATED 11.10.2022, BEFORE 1ST RESPONDENT POLICE AND THE FIR REGISTERED IN CRIME NO. 78/2022, DATED 10.11.2022 BY THE 1ST RESPONDENT POLICE CHARGE SHEET DATED 10.11.2022 FILED BY THE 1ST RESPONDENT POLICE, FOR THE ALLEGED OFFENCES U/SEC. 498-A, 323, 34 OF IPC AND R/W 3 AND 4 OF DOWRY PROHIBITION ACT, 1961 AND PROCEEDINGS IN CRIMINAL CASE NO. 8188/2022, ON THE FILE OF III ADDL. CIVIL JUDGE AND JMFC, HUBBALLI, PENDING AGAINST THE PETITIONR (ACCUSED NO.1) HEREIN.

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THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. The petitioner - accused No.1 is before this Court calling in question the proceedings in the complaint dated 11.10.2022 before the 1st respondent Police and the FIR registered in Crime No.78/2022 and the charge sheet dated 10.11.2022 registered for the offences under Sections 498-A, 323 & 34 of the IPC and Sections 3 & 4 of the D.P. Act and the proceedings in Criminal Case No.8188/2022 on the file of the III-Additional Civil Judge and JMFC, Hubballi.

2. Heard the learned counsel Shri Umesh P.Hakkaraki & Shri V.S. Narayana appearing for the petitioners and the learned HCGP Shri V.S. Kalasurmath appearing for respondent No.1 and the learned counsel Shri D.M. Manjunath appearing for respondent No.2.

3. During the pendency of the petition, the parties to the lis i.e., husband and wife have settled the dispute

amongst themselves by drawing up certain terms of settlement.

4. The terms of settlement form a part of the affidavit accompanying the application under Section 320(2) of the Cr.P.C. In the light of the offences being punishable under Sections 498-A, 323 & 34 of the IPC and Sections 3 & 4 of the D.P. Act and not being against the State or the Society, I deem it appropriate to accept the application seeking compounding of the offences so filed under Section 320(2) of the Cr.P.C. and obliterate the crime against the petitioners.

5. The joint memo reads as follows:

> JOINT MEMO FOR COMPROMISE UNDER SECTION 482 READWITH SECTION 320 (2) OF THE CODE OF CRIMINAL PROCEDURE, 1973
>
> The Petitioner and Respondent No. 2 in the above case most respectfully submits as follows;
>
> *1. Petitioner and Respondent No. 2 are husband and wife their marriage came to be solemnized on solemnized on 09.12.2021, at Abhinavashree Renuka Mandira (Shivaputra Swamiji Mata), Abhinava Nagara, Anand Nagar Road, Old Hubballi, Hubballi, as per Hindu rites and customs. The marriage was an arranged marriage.*

2. I submit that, 2nd Respondent lodged a complaint before Hubballi Police and FIR came to be registered in Crime No. 78/2022, for the alleged offence under Section 34, 323 and 498-A of the Indian Penal Code, 1860 and Section 3 and 4 of the Dowry Prohibition Act, 1961 in C.C No. 8188/2022, on the file of III Additional Civil Judge and JMFC, at Hubballi, against Petitioner, his mother and sisters. The same is pending for consideration.

3. It is submitted that, at the intervention of the well-wishers and friends the matter is amicably settled between parties and filed a 13-B petition for the relief of divorce by mutual consent in M.C No. 308/2023, on the file of I Addl., Principal Family Court Judge Hubballi, wherein the Petitioner has agreed to pay a sum of Rs. 10,00,000/- (Rupees Ten Lakhs only) by way of DD bearing No. 568224, dated 17.07.2023, drawn on State Bank of India, P.B Road Branch, Davanegere, as a permanent alimony in full and final settlement of all claims inter se past, present and future permanent alimony. The said DD is on the file of Principal Family Court Judge Hubballi. The parties have concluded their evidence and the matter is reserved for judgment, the respondent No.2 is entitled to receive on 02/09/2023.

4. It is submitted that, in view of the settlement the Petitioner shall handover all the marks card and other academic documents which belongs to the 2nd Respondent. As also the Petitioner has no objection for encashment of aforesaid DD for a sum of Rs. 10,00,000/- towards permanent alimony for the 2nd Respondent.

5. It is submitted that, in view of the settlement and consent divorce between the parties the 2nd Respondent has agreed to withdraw all allegations and would cooperate for compounding of the CC No. 8188/2022, pending on the file of III Additional Civil Judge and JMFC, at Hubballi.

6. It is submitted that, 2nd Respondent has no objection whatsoever to allow the Criminal petition

and quash the proceedings in CC No. 8188/2022, pending on the file of III Additional Civil Judge and JMFC, at Hubballi.

Wherefore, the Petitioner and 2nd Respondent pray that, this Hon'ble court be pleased to allow the Criminal petition and quash CC No. 8188/2022, pending on the file of III Additional Civil Judge and JMFC, at Hubballi qua Petitioner herein, in the interest of justice.

6. For the aforesaid reasons, the following:

ORDER

(i) The petition is allowed.

(ii) The proceedings in the complaint dated 11.10.2022 before the 1st respondent Police and the FIR registered in Crime No.78/2022 and the charge sheet dated 10.11.2022 registered for the offences under Sections 498-A, 323 & 34 of the IPC and Sections 3 & 4 of the D.P. Act and the proceedings in Criminal Case No.8188/2022 on the file of the III-Additional Civil Judge and JMFC, Hubballi stands quashed.

Sd/-
JUDGE

vnp*/ct:bck
List No.: 1 Sl No.: 12