**IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH**

DATED THIS THE 5TH DAY OF OCTOBER, 2023

BEFORE

THE HON'BLE MR JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 101934 OF 2023

BETWEEN:

1. FAKKIRESH S/O VEERABHADRAPPA NAGTHAN,
AGE. 45 YEARS, OCC. CONTRACTOR,
R/O. SHALAWADI VILLAGE, TQ. HUBBALLI,
& DIST. DHARWAD-580020.

2. MANJU @ MANJUNATH S/O HANUMANTA TADAKOD,
AGE. 32 YEARS, OCC.
R/O. TEJASVI NAGR, NEAR WATER TANK, DHARWAD,
TQ & DIST. DHARWAD-580001.

... PETITIONERS

(BY SRI. NAVEEN CHATRAD, ADVOCATE)

AND:

Digitally signed by VISHAL NINGAPPA PATTIHAL
Date: 2023.10.10 11:46:45 +0530

1. STATE OF KARNATAKA,
THROUGH HUBBALLI RURAL POLICE STATION,
R/BY ITS ADDL STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH, DHARWAD.

2. FAKKIRESH S/O VIRUPAKSHAPPA BALAGALI,
AGE. 46 YEARS, OCC. FARMER,
R/O. KIRESUR VILLAGE, TQ. HUBBALLI,
DIST. DHARWAD-580020.

... RESPONDENTS

(BY SRI. V.S. KALASURMATH, HCGP FOR R1;
SRI. PUNEET R. BADIGER, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/SEC. 482 OF CR.P.C. SEEKING TO QUASH THE CRIMINAL PROCEEDINGS IN CRIME NO.142/2023 OF HUBBALLI RURAL P.S. PENDING ON THE FILE OF

THE JMFC-II COURT, HUBBALLI FOR THE OFFENCE PUNISHABLE U/S 338 AND 304A R/W 34 OF IPC SO FAR IT RELATES TO THE ACCUSED NO.1 AND 2/PETITIONERS ARE CONCERNED.

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

ORDER

1. The petitioners are before this Court calling in question the registration of crime in Crime No.142/2023 of Hubballi Rural Police Station for the offences punishable under Sections 338, 304A read with Section 34 of the IPC.

2. During the pendency of this petition, it transpires that the parties to *lis* have entered into a compromise and have paid the family of the victim Rs.7,00,000/- (Rupees seven lakhs only), which is not disputed by the complainant. Accordingly, the petitioner has filed an application seeking compounding of the offence punishable under Section 320 of the Cr.P.C.

3. The application reads as follows:

> *"2. That the petitioner and respondent No.2/complainant as per advice of elders of village, have settled/compromised the dispute/case as under*
>
> *a. That the petitioners and respondent No.2 amicably compromised/settled the dispute with each other. The Respondent No.2 has received an amount of Rs. 7,00,000/- as compensation on the death of his son.*

Petitioners have already paid the said amount to the Respondent No.2 and as such the complainant/respondent No.2 does not want to pursue this case further.

b. That the petitioners and respondent No.2 have entered into compromise voluntarily and out of their free will for purpose of leading happy marital life.

c. It is therefore, most humbly, prayed that the Hon'ble Court may be pleased to grant permission to Compound the said offence, and be pleased to dispose of the case as Compounded and proceeding may kindly be quashed.

d. The petitioners and respondent No.2 submit that the compromised is arrived without any force, coercion, misrepresentation and out free consent and as per advice of elders of village.

3. Wherefore, for the above stated amongst other reasons it is most humbly prayed that the proceeding Crime No. 142/2023 of Hubballi Rural P.S. by the Respondent No.2 for the offence punishable under section 338 & 304A R/W 34 of IPC pending on the file of the JMFC-II Court, Hubballi so for it relates to the Accused No. 1 & 2 / Petitioners are concerned may kindly be quashed Petitioner / Accused, in the interest of justice."

4. Learned counsel for the petitioners would also seek to place reliance upon the judgment of Delhi High Court in the case of ***Mr. Shoaib Kohli Vs. State GNCT of Delhi & Ors.*** In Crl. M.C. No.540/2023, disposed off on 27th January 2023 permitting compromise between the parties notwithstanding the offence being punishable under Section 304(A) of the IPC.

5. For the aforesaid reasons, the following:

ORDER

(i) The petition is disposed off.

(ii) The registration of crime in Crime No.142/2023 of Hubballi Rural Police Station for the offences punishable under Sections 338, 304A read with Section 34 of the IPC stands quashed.

Sd/-
JUDGE

Vnp* / ct:bck
List No.: 1 Sl No.: 0