

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 28<sup>TH</sup> DAY OF FEBRUARY 2014

BEFORE

THE HON'BLE MR.JUSTICE S.N.SATYANARAYANA

CRIMINAL PETITION NO.2495/2012  
C/W CRIMINAL PETITION NO.1206/2014

BETWEEN

1. M.S.PRAKASH,  
S/O LATE SIDE GOWDA,  
AGED ABOUT 48 YEARS,  
MARAGOWDAANAHALLI,  
R/AT KRRAGODU HOBLI,  
MANDYA TALUK,  
MANDYA DISTRICT.
2. H.B. MAHESH  
S/O LATE BOREGOWDA,  
AGED ABOUT 30 YEARS,  
R/AT HULKERE VILLAGE,  
KOTHATHI HOBLI, MANDYA TALUK,  
MANDYA DISTRICT.
3. H.B. YASHODHA  
W/O M.S. PRAKASH  
AGED ABOUT 33 YEARS  
MARAGOWDAANAHALLI,  
R/AT KRRAGODU HOBLI,  
MANDYA TALUK,  
MANDYA DISTRICT.
4. JAYAMALA  
W/O KRISHANA  
AGED ABOUT 28 YEARS,  
R/AT HOLALU VILLAGE,

DUDDA HOBLI,  
MANDYA TALUK,  
MANDYA DISTRICT.

5. METHREGOWDA  
S/O LATE BEOREGJOWDA  
AGED ABOUT 52 YEARS,  
R/AT CHIKKAMANDYA,  
KASABA HOBLI,  
MANDYA DISTRICT.

... PETITIONERS  
IN CRL.P.NO.2495/2012

(BY SRI C.N. RAJU, ADV.,)

BETWEEN:

1. H.P. PUTTASHENKARA,  
S/O LATE BOREGOWDA,  
AGED ABOUT 37 YEARS,  
RESIDING AT HULKERE VILLAGE,  
KOTHATHI HOBLI,  
MANDYA TALUK,  
MANDYA DISTRICT – 571 401.

2. BORAMMA  
W/O LATE BOREGOWDA,  
AGED ABOUT 55 YEARS,  
RESIDING AT  
MARAGOWDAANAHALLI,  
KRRAGODU HOBLI,  
MANDYA TALUK,  
MANDYA DISTRICT -571 401.

... PETITIONERS  
IN CRL.P. NO.1206/2014

(BY SRI C.N.RAJU, ADV.,)

AND

1. C.S. NANDINI  
D/O SOMASHEKARA  
AGED ABOUT 25 YEARS  
R/AT CHIKKAKOPALU VILLAGE,

DUDDAHOBLI,  
MANDYA TALUK,  
MANDYA DISTRICT – 573 118

2. STATE BY MANDYA RURAL POLICE  
REPRESENTED BY SPP,  
HIGH COURT OF KARNATAKA,  
BANGALORE – 560 001.

... COMMON  
RESPONDENTS

(BY SRI B.J.ESHWARAPPA, HCGP FOR R2  
SRI B.VIJAY SHETTY, ADV., FOR R1)

CRL.P NO.2495/2012 IS FILED U/S.482 CR.P.C  
PRAYING TO QUASH THE FIR AGAINST THE PETITIONERS  
NO.1 TO 5 PENDING ON THE FILE OF THE JMFC, MANDYA IN  
CRIME NO.152/2012 OF MANDYA RURAL POLICE STATION,  
MANDYA.

CRL.P NO.1206/2014 IS FILED U/S.482 CR.P.C  
PRAYING TO QUASH THE FIR AGAINST THE PETRS. NO.1  
AND 2 PENDING ON THE FILE OF J.M.F.C., MANDYA IN CR.  
NO.152/2012 OF MANDYA RURAL POLICE BY ALLOWING  
THIS PETITION.

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

### ORDER

These two criminal petitions are filed by accused 1 to 7  
in Crime No.152/2012 of Mandya Rural Police registered for  
offences punishable under Sections 498A, 504, 506, 323 of IPC  
and 3 and 4 of Dowry Prohibition Act, 1961.

2. Admittedly, first petitioner in Criminal Petition No.1206/2014 is the husband, second petitioner is the mother of husband and petitioners 1 to 5 in CrI.P.2495/2012 are brother-in-law, brother, sisters and another brother-in-law. These two petitions are filed seeking quashing of complaint pending investigation in Crime No.152/2012. It is also stated that during the pendency of these proceedings, wife-first respondent in these proceedings had filed an application in P.Misc.3/2012 seeking maintenance against her husband. When said matter was pending consideration on the file of Civil Judge (Jr.Dn) & JMFC, Mandya, it is stated that settlement is arrived at between the parties, wherein husband has agreed to pay a sum of Rs.2,50,000/- to his wife-first respondent herein towards full and final settlement of her past, present and future maintenance, which it is stated is accepted by the wife. Pursuant to that it is stated that entire amount is paid to wife and marriage between the parties is dissolved in MC.No.38/2013. It is also stated that while settlement being discussed, it is agreed between the parties that first respondent-wife shall cooperate with petitioners in withdrawing

the criminal complaint that she has lodged against the petitioners for the offences punishable under Sections 498-A 504, 506 and 323 IPC and 3 and 4 of Dowry Prohibition Act, 1961. Accordingly, joint memo is filed in both the criminal petitions this day by the parties to the present proceeding to quash the proceeding pending consideration in Crime No.152/2012 within the jurisdiction of JMFC, Mandya.

3. Admittedly, offences alleged against petitioners herein are non compoundable offences. Normally, with reference to such offences, compromise is not permissible. However, in the light of judgment rendered in Gian Singh -vs- State of Punjab and Another, reported in (2012) 10 SCC 303, wherein it is held by the Apex Court that settlement between the parties with reference to criminal act referable to robbery, dacoity, rape, murder, etc., cannot be compounded. However, if the dispute between the parties is in the nature of matrimony and financial dispute, the High Court in exercise of its inherent power under Section 482 of Cr.P.C., can quash the said proceedings in the light of settlement arrived at between the parties.

4. Therefore, in the light of ratio laid down by the Apex Court in Gian Singh's case, referred supra, the settlement arrived at between the parties is accepted, consequently, complaint pending in Crime No.152/2012 registered by Mandya Rural Police within the jurisdiction of Court of JMFC, Mandya, is quashed.

Accordingly, this criminal petition is disposed of.

Sd/-  
JUDGE

nd/-