

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 19<sup>TH</sup> DAY OF DECEMBER 2014

BEFORE

THE HON'BLE MR. JUSTICE B. SREENIVASE GOWDA

CRIMINAL PETITION.NO.201067 OF 2014

BETWEEN:

ABDUL KAREEM  
S/O ABDUL MAJEED  
AGE: 36 YEARS,  
OCC: BUSINESS,  
R/O ISLAMABAD COLONY,  
GULBARGA.

.....PETITIONER

(BY SRI. SHIVASHARANA REDDY, ADVOCATE FOR  
SRI. USTAD ZAKIR HUSSAIN, ADVOCATE)

AND:

1. THE STATE THROUGH BRAHMPUR P.S.  
GULBARGA.

2. SHABEER SHA  
S/O GARIB SHAH FAKIR  
AGE: 54 YEARS,  
OCC: BUSINESS,  
R/O KAPANOOR,  
KHABARISTAN,  
GULBARGA.

...RESPONDENTS

(BY SRI. S.S.ASPALLI, HCGP FOR R1,  
SRI S.M. KANDKUR, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. PRAYING TO QUASH THE ENTIRE PROCEEDING PENDING AGAINST PETITIONER IN CRIME NO:152/2011 BRAHMPUR POLICE STATION, GULBARGA PENDING ON THE FILE OF IV ADDL. J.M.F.C GULBARGA.

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

### **ORDER**

The petitioner has filed this petition under Section 482 of Cr.P.C. seeking to quash the further proceedings in Crime No.152/2014 of Brahmapura police station Gulbarga and pending on the file of the IV Addl. JMFC., Gulbarga.

2. The second respondent lodged a complaint with the first respondent alleging that the petitioner has committed certain offences and requested to take action against the petitioner for the offences alleged in the complaint.

3. The police registering the complaint in Crime No.152/2014 and after investigating the same have submitted charge sheet before the IV Addl. JMFC., Gulbarga for the offences punishable under Sections 323, 324, 326, 354, 504,

506 r/w 34 of IPC. The JMFC Court after taking cognizance of the offences registered the case on its file as C.C.No.3578/2012 and ordered for issuance of summons to the petitioner. Aggrieved by the issuance of summons, the petitioner has preferred this petition seeking to quash further proceedings of the said criminal case.

4. Today, learned counsel appearing for the petitioner and the second respondent/complainant have filed an application under Section 320 of Cr.P.C seeking permission of the Court to compound the offences and praying to close further proceedings of the case.

5. The application which is signed by the petitioner, the second respondent and the respective learned counsels appearing for them is taken on record. The contents of the application are read over to the parties who are present in the Court in the language known to them and they have admitted the contents.

6. Petitioner and second respondent and the learned counsel appearing for them pray the Court to allow the application and order for closing of further proceedings of the criminal case.

7. Sri S.S.Aspalli, learned HCGP appearing for the first respondent submits that among the offences registered against the petitioner, the offence under Section 326 of IPC is non-compoundable. He further submits both the complainant and the accused have come forward to put an end to their dispute and therefore, the Court may permit them to compound the offences and order for closing of further proceedings. His submission is placed on record.

8. The background of the case is complainant/respondent No.2 had availed some loan from the petitioner by furnishing documents of the land belonging to him and when the complainant did not repay the amount, the petitioner made an application to the Tahsildar requesting him to transfer the records of the said land from the name of the

complainant/respondent No.2 into his name. The Tahsildar issued notice to the complainant and in that regard there was quarrel between the parties in front of the office of Tahsildar.

9. Considering the background of the case and the fact that except the offence under Section 326 of IPC rest of the offences are compoundable in nature. I do not see any reason as to why parties should not be granted to compound the offence and to order for closing of further proceedings.

10. Hence, the following:

ORDER

The petition is allowed and further proceedings of Crime No.152/2011 of Brahmpur police station, Gulbarga and C.C.No.3578/2012 pending on the file of the IV Addl. JMFC., Gulbarga, are hereby closed.

**Sd/-  
JUDGE**

MSR\*