

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF APRIL 2016

EFORE

THE HON'BLE MR.JUSTICE RAGHVENDRA S. CHAUHAN

CRIMINAL PETITION NO.8107 OF 2015

BETWEEN:

1. MUDASSIR KHAN
S/O LATE KHALEELULLA KHAN
AGED ABOUT 28 YEARS.
2. SMT.HASEENA BEGUM,
WIFE OF LATE KHALEEULLA KHAN
AGED ABOUT 55 YEARS.
3. HYDER KHAN @ ANSAR KHAN
S/O.LATE KHALEELULLA KHAN
AGED ABOUT 32 YEARS.

SL.NOS.1 TO 3 RESIDING AT NO.5, 2ND CROSS
PEACE LAYOUT, YASEEN NAGAR, H.B.R. LAYOUT,
BANGALORE – 560 043.

4. AFSAR ULLA KHAN,
S/O.LATE KHALEELULLA KHAN
AGED ABOUT 30 YEARS.
5. NAZIYA KAUSER,
WIFE OF AFSARULLA KHAN,
AGED ABOUT 26 YEARS.

SL.NOS.4 AND 5 RESIDING AT
NO.5, YASEEN NAGAR,PEACE GARDEN
HBR LAYOUT, BANGALORE – 560 043.

...PETITIONERS

(BY:SRI. RAVIKIRAN, ADVOCATE FOR
SRI ANEES ALI KHAN, ADVOCATE)

AND:

1. STATE BY TILAK NAGAR
P.S., BANGALORE – 06.
REPRESENTED BY:
THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
HIGH COURT BUILDINGS,
BANGALORE – 560 001.

2. SMT.NIKHATUNNISSA,
WIFE OF MUDASSIR KHAN,
AGED ABOUT 23 YEARS,
R/A NO.12, SWAGATH MAIN ROAD,
TILAK NAGAR, BANGALORE – 41.

...RESPONDENTS

(BY:SRI.CHETAN DESAI, HCGP FOR R1:
SRI.MOHAMED INAYATHULLA, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482
OF CR.P.C.PRAYING TO QUASH THE PROCEEDINGS IN CRIME
NO.455/2012 (C.C.NO.16446/2013) WHICH IS PENDING ON
THE FILE OF THE II ADDL. C.M.M., BANGALORE.

THIS CRL.P COMING ON FOR ADMISSION THIS DAY, THE
COURT MADE THE FOLLOWING:

ORDER

Mr.Mudassir Khan-petitioner No.1 and
Mrs.Nikhatunnissa-complainant/respondent No.2 are
present before this Court. Although neither of them have
brought any identification documents, they have been
identified by their respective counsel.

2. The learned counsel for petitioners submits that due to marital differences that had arisen between the petitioner No.1 and respondent No.2, the respondent No.2 filed a FIR against the petitioner No.1 and his family members for the offences under Section 506, 498-A read with Section 34 of IPC and for the offences under Sections 3 and 4 of the Dowry Prohibition Act. However, during the pendency of the criminal trial before the II Addl. C.M.M. Court, Bangalore, the parties have settled their dispute. Therefore, the respondent No.2 does not wish to pursue the criminal proceeding against petitioner No.1 and his family members, who are arrayed as petitioner Nos.2 to 5 before this Court. A copy of the settlement deed dated 16.2.2016 has been submitted before this Court. The said copy shall be taken on record. Therefore, the learned counsel for petitioners has prayed that the criminal proceedings pending before the Trial Court should be quashed by this Court.

3. The learned counsel for respondent No.2 has not challenged the stand taken by the learned counsel for petitioners.

4. In catena of decisions, the Hon'ble Supreme Court has clearly opined that the offence under Section 498-A is not a compoundable offence, but in order to preserve harmony within the family, and to ensure that the husband and his family members are not needlessly subjected to criminal trial, if the husband and wife were to settle their marital dispute, this Court can invoke its power under Section 482 of Cr.P.C. and quash the criminal proceedings pending before the Trial Court.

5. Since the parties have settled their dispute and since the respondent No.2 has made a statement before this Court that she does not wish to pursue the criminal proceeding against the petitioner No.1, and his family members, the criminal proceedings pending before II Addl.

C.M.M. Court, Bangalore, in the form of

C.C.No.16446/2013 is hereby quashed. Petition is hereby allowed.

**Sd/-
JUDGE**

VGR