

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28th DAY OF APRIL, 2017

BEFORE

THE HON'BLE MR. JUSTICE ANAND BYRAREDDY

CRIMINAL APPEAL NO.1369 OF 2016

Between:

1. Dayananda,
S/o Mariyappa,
Aged about 32 years,
2. Mariyappa,
S/o Late Hanumaiah @ Chikkonu,
Aged about 60 years,
3. Manjamma,
W/o Mariayappa,
Aged about 48 years,

All are residing at
Shanthinagara,
Huliyurudurga Town,
Kunigal Taluk,
Tumakuru District – 572 123.

... Appellants

(By Sri. Sampat Anand Shetty, Advocate)

And:

1. The State of Karnataka,
By Huliyurdurga Police Station,

Kunigal Taluk,
Tumakuru District,

Represented by
Special Public Prosecutor,
High Court Complex Building,
High Court of Karnataka,
Bangalore – 560 001.

2. Smt. Vanitha,
Aged about 31 years,
D/o Siddappa,
W/o B.M. Dayananda,
R/at No.2171, 2nd Cross,
Byraveshwara Nagar,
Sunkadakatte,
Magadi Main Road,
Bangalore – 91.
(Amendment vide Court order dated 28.04.2017)
... Respondents

(By Sri. S Vishwamurthy, HCGP for R1;
Sri. Deepak I, Advocate for R2)

This Criminal Appeal is filed under Section 374(2) of Cr.P.C. praying to set aside the judgment and order dated 06.08.2016 passed by the VI Addl. District and S.J., Tumakuru in S.C.No.141/2008 - convicting the Appellants/Accused No.1 to 3 for the offence P/U/S 3 and 4 of D.P. Act r/w Sec. 34 of IPC and Section 498(A) and 307 r/w 34 of IPC.

This Appeal coming on for orders this day, the Court delivered the following:-

JUDGMENT

Shri Deepak J, learned counsel files vakalath for respondent No.2.

The first appellant had married to the second respondent in the year 2005 and they have children by the marriage. However, the marriage is said to have failed and to compound this the second respondent is said to have filed criminal cases for offences punishable under Sections 3 and 4 of the Dowry Prohibition Act, and Sections 498-A, 307 read with Section 34 of the Indian Penal Code, 1860. Incidentally there was also proceedings under the Domestic Violence Act. It transpires that a petition for divorce has been filed by the first appellant and the matter having been referred to mediation they have arrived at a settlement whereby it was agreed that the petition for divorce could be granted by mutual consent and the first appellant had agreed to pay a permanent alimony of Rs.6,00,000/- (Rupees Six Lakh only) which has been paid and

acknowledged by respondent No.2. It is also agreed that the pending criminal case against the first appellant and his family members, namely his father and mother could be dropped. However, since the offences alleged were non compoundable, the present petition is filed.

The appellants and the respondent No.2 are present before the Court. Respondent No.2 declares through her counsel that she no longer wishes to prosecute the criminal case. In that view of the matter, the petition is allowed in terms of the law laid down by the Supreme Court in the case of ***Gian Singh vs. State of Punjab and another*** reported in ***2012 (10) SCC 303*** and the proceedings pending in S.C. No.141/2008 on the file of VI Additional District and Sessions Judge at Tumakuru stands quashed.

**Sd/-
JUDGE**

ykl