

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF FEBRUARY, 2019

BEFORE

THE HON'BLE MR.JUSTICE ARAVIND KUMAR

CRIMINAL PETITION NO.6603/2017

BETWEEN:

SRI.RAGHAVENDRA RAIKAR
S/O. LATE NARAYANA BAHABAL
RAIKAR, AGE 43 YEARS,
R/A H.NO.10, 1ST MAIN ROAD,
ANANDA GOKUL LAYOUT,
KAVERI NAGAR, NEAR L R BANDE
BUS STOP, BENGALURU-560 045

... PETITIONER

(BY SRI.SRINIVAS RAO S, ADVOCATE)

AND:

SMT.S.REKHA
W/O. SRI. RAGHAVENDRA RAIKAR
AGE 35 YEARS, R/A
C/O. SATHISH SUNDARA RAIKAR
RATHABEEDI, KUSHALNAGAR
TOWN, SOMWARPET TALUK,
KODAGU DISTRICT-571 234

... RESPONDENT

(BY SRI.R.D.PANCHAM, ADVOCATE)

THIS PETITION IS FILED UNDER SECTION 482
CR.P.C. PRAYING TO QUASH THE PROCEEDINGS IN
CRL.MISC.NO.30/2017 ON THE FILE OF THE LEARNED
CIVIL JUDGE AND JMFC, KUSHALNAGAR.

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

O R D E R

Petitioner and respondent are husband and wife and their marriage came to be solemnised on 28.02.2016. Petitioner has got issued a notice to the respondent for restitution of conjugal rights, which has been replied to by the petitioner by reply notice dated 15.11.2016 subsequently petition under Section 12 of the Domestic Violence Act, 2005, came to be filed by the petitioner on the grounds urged therein. Hence, petitioner is before this Court seeking for quashing of said proceedings.

2. Today a joint memo is filed by both the parties whereunder they have stated that dispute between them has been resolved and they have agreed for the terms and conditions as set out in the joint memo. It reads as under:

“The Petitioner has agreed to pay a permanent alimony of Rs.5,50,000/- to the Respondent and the Respondent

has agreed to the same of which a sum of Rs.2,75,000/- is being paid along with this memo bearing Demand Draft No.010535 dated 16-02-2019 drawn on HFC Bank, RT Nagar Branch, Bengaluru.

The Respondent shall undertake to join the Petitioner within a week from an order of this Hon'ble Court in the above proceedings to file a mutual consent divorce petition before the Family Court at Bengaluru wherein the balance sum of Rs.2,75,000/- shall be paid by the Petitioner on the date of the final order of the said mutual consent divorce petition.

The Respondent undertakes that there is no further claim against the Petitioner apart from the above mentioned amount and that there are no other belongings to be exchanged between the Petitioner and the Respondent.

The Petitioner and Respondent have settled their differences and have mutually decided to dissolve their marriage. The petitioner and respondent, at the intervention of their elders and well-wishers have sorted out all their differences. Thus, the respondent in view of the said settlement arrived at between the respondent and the petitioner herein has decided not to participate the case against the petitioner.”

3. Both parties are present before Court and they reiterate the contents of the joint memo. Respondent-wife submits that she has no further claims against petitioner and all her disputes have been amicably settled and she does not intend to prosecute the proceedings initiated by her against petitioner. She further submits that out of her own free will, volition and without any force, threat or coercion she has entered into such settlement and she has no objection for said proceedings being quashed.

4. Parties present before Court are identified by their respective learned Advocates and they have filed a memo enclosing photocopies of identity cards issued by the statutory authority evidencing the identity of parties along with joint memo, which is also duly signed by both parties and in token of having identified them, respective learned Advocates have also affixed their signatures to the said photocopies.

5. Respondent acknowledges the receipt of balance amount of ₹2,75,000/- paid by way of Demand Draft bearing No.010535 dated 16.02.2019 drawn on HDFC Bank, RT Nagar, Bangalore-32. Petitioner has also agreed to pay balance amount of ₹2,75,000/- when joint petition is filed for dissolution of their marriage by mutual consent, for which respondent has also agreed to, as set out in the terms of joint memo extracted hereinabove.

6. In the light of said joint memo filed and respondent-wife submitting before this Court that she is not inclined to prosecute the proceedings initiated by her against petitioner and keeping in mind the principles laid down by the Apex Court in the case of **GIAN SINGH VS. STATE OF PUNJAB AND ANOTHER** reported in **(2012) 10 SCC 303**, this Court is of the considered view that continuation of further proceedings against petitioner would not sub-serve the ends of justice. Hence, this Court finds there is no impediment to grant the prayer sought for.

Accordingly, I proceed for pass the following:

ORDER

- (i) Criminal petition is allowed.
- (ii) Proceedings pending against petitioner in Crl. Misc. Petition No.30/2017 registered under Section 12 of Domestic Violence Act, 2005, on the file of Civil Judge and JMFC, Kushalnagar, Coorg District, is hereby quashed

**SD/-
JUDGE**

DR