



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF NOVEMBER, 2023

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

CRIMINAL PETITION NO. 9484 OF 2023

BETWEEN:

1. CHANDRA MOHAN C.,
S/O LATE R. CHANNUR,
AGED ABOUT 42 YEARS,
2. SMT. CHANDANA C.,
W/O LATE SANTOSH,
AGED ABOUT 38 YEARS,
3. CHETHAN C.,
S/O LATE R. CHANNUR,
AGED ABOUT 36 YEARS,
4. SMT. VIJAYALAKSHMI,
W/O LATE R. CHANNUR,
AGED ABOUT 63 YEARS,

Digitally signed by B
K
MAHENDRAKUMAR
Location: HIGH
COURT OF
KARNATAKA

ALL ARE RESIDING AT NO.703,
MARUTI NILAYA, DR I T
COLLEGE OPP, MALLATHAHALLI LAYOUT,
BANGALORE - 560 056.

...PETITIONERS

(BY SRI. DODDATHAMME GOWDA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY JNANA BHARATHI P.S.,



REP. BY SPP,
HIGH COURT BUILDING,
BANGALORE - 560 001.

2. CHANDANA N.,
W/O CHANDRASHEKHAR C.,
OPP. TO AMBEDKAR COLLEGE, KUNGUNTE,
MALLATHALLI, NAGARBAVI
BANGALORE - 560 072.

...RESPONDENTS

(BY SRI. K. NAGESHWARAPPA, HCGP FOR R1;
SRI. SHIVASWAMY, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.PC
PRAYING TO QUASH THE PROCEEDINGS IN
C.C.NO.10978/2017 FOR THE OFFENCE P/U/S 498(A), 34 OF
IPC AND SEC.3, 4 OF D.P ACT ON THE FILE OF 9TH A.C.M.M,
AT BENGALURU.

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

ORDER

The petitioners are sought to be prosecuted for the
offence punishable under Section 498A read with Section 34 of
IPC and Section 3 and 4 of the Dowry prohibition Act.

2. The case of the prosecution is that the petitioners
herein subjected the defacto complainant to cruelty both
mentally and physically and also demanded to bring money
from parental home.



3. The petitioner has annexed a copy of memo of understanding under Section 89 of CPC read with Rules 24 and 25 of the Karnataka Civil Procedure (Mediation) Rules, 2005.

4. The parties are present before this Court and an application is filed for compounding of the offences through their respective counsels.

5. A perusal of the memorandum of understanding indicated that petitioner No.1 had filed M.C.No.4025/2016 for dissolving his marriage with the second respondent on the ground of cruelty. The matter was referred to the Mediation Centre to explore the possibility of settlement between the parties. The parties before the Mediation Centre, Bengaluru amicably resolved the dispute among themselves, and in terms of the settlement, their marriage has been dissolved mutually. Petitioner No.1 has agreed to pay sum of Rs.9,75,000/- towards full and final claim to the second respondent and out of the said amount, Rs.4,75,000/- was paid before the Trial Court and the balance amount of Rs.5,00,000/- is paid through the demand draft. The receipt of which is acknowledged by the second respondent subject to realization. The second respondent who is present before the Court and has stated that she has no objection to quash the impugned proceedings in terms of the settlement.

4. Though the offences alleged are cognizable and non-compoundable, however, having regard to the fact that the parties have amicably resolved the dispute among themselves, it would be a futile exercise, if the petitioners are subjected to



investigation, since the probability of the police filing the charge sheet is remote and bleak, in view of the settlement. Therefore, continuation of investigation will be an abuse of the process of law. Accordingly, I pass the following:

ORDER

- i. Criminal Petition is allowed.
- ii. The impugned proceedings in C.C.No.10978/2017 on the file of Addl. Chief Metropolitan Magistrate, Bengaluru stands quashed.

Sd/-
JUDGE

RKA
List No.: 1 Sl No.: 34