



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JUNE, 2024

BEFORE

THE HON'BLE MR JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 2437 OF 2024

BETWEEN:

1. SUSHANTH J.,
AGED ABOUT 36 YEARS,
S/O RAJASHEKAR J.
2. RAJASHEKAR J.,
AGED ABOUT 66 YEARS,
S/O LATE SIDDAPPA.
3. SMT. SUVARNA
AGED ABOUT 64 YEARS,
W/O RAJASHEKAR J.
4. SUDEEP J.,
AGED ABOUT 40 YEARS,
S/O RAJASHEKAR J.,

Digitally signed
by NAGAVENI
Location: HIGH
COURT OF
KARNATAKA

PETITIONERS NO.1 TO 4
RESIDING AT NO.12, 2ND MAIN,
5TH CROSS,
LOKANAYAKANAGARA,
METAGALLI POST,
MYSURU – 570 016.

...PETITIONERS

(BY SRI RAMESH M.C., ADVOCATE)



AND:

1. STATE OF KARNATAKA
BY NAGAMANGALA TOWN POLICE STATION,
DISTRICT MANDYA,
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA AT BENGALURU
AMBEDKAR VEEDHI, BENGALURU – 560 001.
2. SMT. NAVYA B.T.
W/O SUSHANTH,
AGED ABOUT 30 YEARS,
BINDIGANAVILE ROAD,
NAGAMANGALA TOWN
MANDYA – 571 432.

...RESPONDENTS

(BY SMT RASHMI JADHAV, ADDL.SPP FOR R-1;
SRI G S PRAVEENKUMAR, ADVOCATE FOR R-2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., PRAYING TO QUASH THE CHARGESHEET FILED IN CRIME NO.84/2019 DATED 05.09.2019 REGISTERED BY THE R1 NAGAMANGALA TOWN POLICE STATION AS AGAINST THE PETITIONERS FOR THE ALLEGED OFFENCES UNDER SECTIONS 498A, 323, 504, 506, 34 IPC READ WITH SECTION 3 AND 4 OF DOWRY PROHIBITION ACT, 1961 IN C.C.NO.692/2019 PENDING ON THE FILE OF SENIOR CIVIL JUDGE AND J.M.F.C., COURT, NAGAMANGALA, MANDYA DISTRICT.

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



ORDER

The petitioners are before this Court calling in question proceedings in C.C.No.692 of 2019 pending on the file of Senior Civil Judge and JMFC Court, Nagamangala, Mandya District, for offences punishable under Sections 498A, 323, 504, 506 of the IPC r/w 34 of IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Heard the learned counsel Sri Ramesh M C, appearing for petitioners, Smt Rashmi Jadhav, learned Additional State Public Prosecutor Pleader appearing for respondent No.1 and Sri G S Praveenkumar, learned counsel appearing for respondent No.2.

3. During the pendency of this petition, the parties to the *lis* have arrived at a settlement before the family Court in M.C.No.23/2023 by filing a Joint Memo of Settlement. The settlement also recognizes closure of the proceedings



before this Court. The learned counsel for the petitioners submits that the conditions stipulated in the Joint Memo are fulfilled and the learned counsel for respondent No.2 would acknowledge the same. The relevant paragraphs of Joint Memo of Settlement reads as follows:

1. *"The Petitioner has filed under this instant petition under Section 13 (1) (ia) and (ib) of the Hindu Marriage Act, seeking dissolution of marriage.*
2. *That the Petitioner and Respondents with the aid and advice of family, relative, friends and mediators for resolving the dispute between the parties have agreed to resolve their dispute and have agreed to the following terms and conditions:*
 - a. *The parties being Hindus by religion and they submit that their marriage was solemnized on 01.05.2016, as per Hindu Rites and Customs. They got a female child named 'Moulya' aged 5 years.*
 - b. *That the Petitioner has also filed complaint in Crime No. 84/2019 for offences punishable under section. 498-A, 323, 506 R/w 34 of the Indian Penal Code, 1860 before Nagamangala Town Police, which has been culminated into C.C. No. 692/2019 pending before this Hon'ble court.*
 - c. *The Petitioner also filed Crl. Mis. No. 74/2019 on the file of this Hon'ble court for the various reliefs under Domestic Violence Act, 2005.*



- d. *That the Petitioner and the Respondents have agreed that the Petitioner and the Respondent shall file a petition under section 13-B of the HM HMA, 1955 seeking for divorce of their marriage by mutual consent.*
- e. *At Respondent, his parents and his brother are going to file petition under section 482 of the Code of Criminal Procedure, 1973 (Presently under section 528 of The Bharatiya Nagrik Suraksha Sanhita, 2023) before the Hon'ble High Court of Karnataka at Bangalore, for the quashing of C.C. No. 692/2019 on this file of this Hon'ble Court and the Petitioner shall co-operate for closure of the said C.C. No. 692/2019 and shall have no objection for the Respondent and his parents and brother to seek for quashing of the same...."*

In terms of the memorandum of settlement arrived at between the parties and also in view of the fact that the offence alleged is under Section 498A of the IPC *inter alia*, which is not against the Society or the State, I deem it appropriate to terminate the proceedings against the petitioners.

4. For the aforesaid reasons, I pass the following:

ORDER

- (i) The Criminal Petition is allowed.



- (ii) The impugned proceedings in C.C.No.692 of 2019 pending on the file of Senior Civil Judge and JMFC Court, Nagamangala, Mandya District stand quashed *qua* the petitioners.

Sd/-
JUDGE

BKP
List No.: 1 Sl No.: 123