



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

CRIMINAL PETITION NO. 13684 OF 2024

BETWEEN:

SRI. NASRULLAH @ NASRU,
S/O. NOORULLA,
AGED ABOUT 31 YEANS,
R/AT NO.56, CHASAVI NILAYA,
2ND CROSS, BDS LAYOUT,
SRK NAGAR, BENGALURU-560 077.
PREVIOUSLY R/AT
NO. 113/2, 11TH ADAM STREET,
NAGAWARA MAIN ROAD,
BENGALURU - 560 045.
(NOW IN JUDICIAL CUSTODY,
CENTRAL PRISON, BANGALORE)

...PETITIONER

(BY SRI. TEJAS N., ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
GOVINDAPURA POLICE STATION,
BENGALURU - 560 045.
(REPRESENTED BY LEARNED
STATE PUBLIC PROSECUTOR,
HCK, BANGALORE - 01)
2. SMT. SANIYA BANU,
W/O. IMRAN KHAN,
AGED ABOUT 28 YEARS,
R/AT NO.AB-64, 7TH CROSS,
NEAR NOOR MASJID,
SAMIL ROAD, SARAYAPALYA,
BENGALURU - 560 077.

...RESPONDENTS

(BY SRI. DIVAKAR MADDUR, HCGP FOR R1;
SRI. MANJUNATH K., ADVOCATE FOR R2)



THIS CRL.P IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE PROCEEDINGS IN C.C.NO.53055/2024 ON THE FILE OF HONBLE XI A.C.J.M MAYO HALL UNIT, BENGALURU WHICH IS ARISING OUT OF CR.NO.317/2023 OF GOVINDAPURA P.S. BENGALURU FOR THE OFFENCE P/U/S 143,148,307,354-A,324,341,504,506,109 R/W 149 OF IPC AND SEC.25(1)(B)(b) OF ARMS ACT AS AN ABUSE OF PROCESS OF LAW.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

ORAL ORDER

The petitioner, Accused No. 1, along with other accused persons, is facing charges for offenses punishable under Sections 143, 148, 307, 354-A, 324, 341, 504, 506, 109 read with Section 149 of the IPC, and Section 25(1)(B)(b) of the Arms Act. The prosecution alleges that the husband of the complainant had borrowed a sum of ₹1,00,000/- from Accused No. 3 and failed to repay the same. Consequently, Accused Nos. 2 and 3 developed enmity against the complainant's husband and allegedly conspired to harm him with the help of rowdies.

2. On 26.11.2023, while the complainant, along with CW-3, was proceeding on a two-wheeler to meet her husband, the accused, having formed an unlawful assembly and armed with deadly weapons, allegedly wrongfully restrained the complainant and CW-3. It is further alleged that



Accused No. 1 assaulted the complainant with an iron rod, causing injuries to her left ear, right eyebrow, right hand, and other parts of her body.

3. The petitioner (Accused No. 1) and the complainant are present before this Court and have jointly filed an application under Section 320(2) read with Section 482 of the Cr.P.C. In the application, the petitioner has expressed remorse for his actions, apologized, and sought forgiveness from the complainant. The complainant has stated her intention to forgive the petitioner and withdraw all allegations against him.

4. While the offense punishable under Section 307 of the IPC carries a minimum imprisonment of ten years and is non-compoundable in nature, the following considerations has to be taken note of :

i. The injuries sustained by the complainant are simple in nature.

ii. The petitioner has expressed genuine remorse for his actions.

iii. A settlement has been amicably arrived at between the parties, and the complainant has no objection to quashing the proceedings.



5. In light of the above, the continuation of criminal proceedings against the petitioner would serve no purpose and would amount to an abuse of the process of law, since the probability of the Petitioner is remote and bleak in view of the settlement.

ORDER

- i. Petition is allowed.
- ii. The impugned proceedings in CC.No.53055/2024 on the file of XI Additional Chief Judicial Magistrate, Mayo Hall Unit, Bengaluru insofar it relates to accused No.1 is hereby quashed and the accused No.1 to be released if he is not required in any other case.

Sd/-
(HEMANT CHANDANGOUDAR)
JUDGE

TIN