

Laxman vs the State of Karnataka

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Court : Karnataka Kalaburagi

Decided On : Feb-28-2025

Judge : S.Vishwajith Shetty

Appeal No. : CRL.P/200286/2025

Appellant : Laxman

Respondent : The State of Karnataka

Judgement :

-1- IN THE HIGH COURT OF KARNATAKA, KALABURAGI BENCH DATED THIS THE 28TH DAY OF FEBRUARY, 2025 BEFORE THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY CRIMINAL PETITION NO. 200286 OF 2025 (482(Cr.PC)/528(BNSS)) BETWEEN:

1. LAXMAN S/O KABIRDAS DASAR, AGED ABOUT 30 YEARS, OCC PRIVATE SERVICE.

2. SITABAI W/O KABIRDAS DASAR, AGED ABOUT 52 YEARS, OCC: HOUSEHOLD, BOTH ARE R/O. MAIN ROAD, KALABURAGI-585102. PETITIONERS (BY SRI. ANNARAYA, ADVOCATE) AND: Digitally signed by SHIVAKUMAR HIREMATH Location: HIGH

1. THE STATE OF KARNATAKA THROUGH, COURT OF UNIVERSITY POLICE STATION, KALABURAGI, KARNATAKA DIST. KALABURAGI-585101., REPRESENTED BY ADDL. SPP, HIGH COURT OF KARNATAKA, KALABURAGI.

2. SMT. SAHADEVI D/O. VENKATESH DASAR,

AGE:38 YEARS, OCC: HOUSEWIFE, R/O. SAYI MANDIR BACK SIDE, SAYI APARTMENT, KALABURAGI, DIST. KALABURAGI-585102. RESPONDENTS (BY SRI VEERANAGOUDA MALIPATIL, HCGP FOR R1 SRI RAMACHANDRA K., ADVOCATE FOR R2) -2- THIS CRL.P IS FILED U/S.482 OF CR.P.C.(OLD), U/S 528

OF BNSS (NEW) PRAYING TO ALLOW THIS PETITION BY QUASHING FIR, COMPLAINT, CHARGE SHEET AND ENTIRE PROCEEDINGS IN CC NO. 74/2024 PENDING ON THE FILE OF III ADDL. CIVIL JUDGE AND JMFC, KALABURAGI ARISING OUT OF CRIME NO. 188/2023 REGISTERED BY UNIVERSITY POLICE/RESPONDENT NO.2 KALABURAGI FOR THE OFFENCES PUNISHABLE U/SEC. 323, 324, 504, 506 R/W 34 OF IPC. AND TO GRANT ANY OTHER REMEDY TO WHICH THERE PETITIONERS ARE FOUND ENTITLED IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY) Accused Nos.1 & 2 are before this Court under Section 528 of BNSS, 2023, with a prayer to quash the entire proceedings in C.C.No.74/2024 pending before the Court of III Addl. Civil Judge and JMFC, Kalaburagi, arising out of Crime No.188/2023 registered by

University Police Station, Kalaburagi for offences punishable under Sections 323, 324, 504, 506 r/w 34 of IPC.

2. Heard the learned Counsel for the Parties. -3-

3. Learned Counsel for the petitioners and learned

Counsel for respondent No.2 jointly submit that dispute between the parties has been amicably settled and they have today filed an application before this Court under Section 359 r/w Section 528 of BNS, 2023 with a prayer to permit the parties to compound the alleged offences and record the compromise arrived between them.

4. They submit that the dispute between the

parties has been amicably settled at the intervention of the elders and even the civil dispute between them has been settled before the Lok-Adalath and therefore, they intend to give quitus to all the dispute between themselves.

5. The parties who are present before the Court

are identified by their respective advocates. Learned HCGP brings to the notice of this Court that offence punishable under section 324 of IPC is non-compoundable. The application filed by the petitioners and respondent No.2 under Section 359 r/w Section 528 of BNSS, 2023, is -4- taken on record and in paragraph Nos.2 to 5 of the said application, it is averred as follows:

2. That, the respondent No.2 has filed the complaint before the police concerned and now after advice of relatives and elders, both the petitioners and respondent No.2 compromised the matter, therefore the above proceeding on the complaint of the respondent No.2 in the C.C No.74/2024 (arising out of crime no.188/2023) before the III Addl. Civil Judge and JMFC, Kalaburagi for the offences punishable U/Secs.323, 324, 504, 506 R/W 34 of IPC, may kindly be quashed in terms of compromise.

3. It is submitted that, the suit was filed by the

complainant herein along with her sister and mother in O.S No.258/2022 on the file of Prl. CJ and JMFC, Kalaburagi for partition and separate possession and injunction. The suit came to be compromised before Lok Adalat on 14.12.2024. A decree/award is passed in terms of compromise, wherein it is agreed by both the parties herein that, they agree to withdraw all the pending cases including civil and criminal litigations. It is more specifically agreed to withdraw C.C No.74/2024 by parties herein, which is subject matter before this Hon'ble Court. In view of compromise reached in suit, in order to maintain smooth relationship, the petitioners and respondent No.2 compromised the matter in the above case. The copy of compromise decree/award dated: 14.12.2024 is already filed along with main criminal petition. The respondent No.2 does not want to proceed case in the C.C No.74/2024 (arising out of crime no.188/2023) before the III Addl. Civil Judge and JMFC, Kalaburagi for the offences punishable U/Secs.323, 324, 504, 506 R/W 34 of IPC. Therefore, in terms of compromise reached in O.S No:258/2022 therein, it is most humbly prayed to quash the FIR, Complaint -5-

and Charge sheet in C.C No:74/2024 and the Hon'ble Court may kindly be record the compromise reached herein, in the interest of justice and equity.

4. This Court has got ample of powers to compound the offence under Section 528 of Cr.P.C.

5. That the petitioners and respondent No.2 put their signatures after understanding the contents of this compromise petition.

6. The application is supported by the affidavit of

petitioner No.1 and respondent No.2. The Honble Supreme Court in the case of Ramgopal vs. The State of Madhya Pradesh¹ has observed that notwithstanding the limitations provided under Section 320 of Cr.P.C., the High Court in exercise of its inherent jurisdiction can quash the criminal proceedings, even in cases

registered for non- compoundable offences, considering the nature of settlement and also the gravity of offences. In the background of the aforesaid judgment, taking into consideration the settlement arrived between the parties, which is said to be voluntary and without there being any undue influence and coercion and also considering the 2021 SCC Online SCC 834 -6- gravity of allegations made against the accused persons, I am of the opinion that this is the fit case where this Court is required to exercise its inherent jurisdiction under Section 528 of BNSS and grant the relief sought for by the parties in this petition. Accordingly, the following order:

7. The criminal petition is allowed. The entire

proceedings in C.C.No.74/2024 pending before the Court of III Addl. Civil Judge and JMFC, Kalaburagi, arising out of Crime No.188/2023 registered by University Police Station, Kalaburagi for offences punishable under Sections 323, 324, 504, 506 r/w 34 of IPC, is hereby quashed. Sd/- (S.VISHWAJITH SHETTY) JUDGE
TMP List No.: 1 SI No.: 11 CT:PK

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