

**Sri Arvind Kumar V vs State of Karnataka**

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**Court :** Karnataka Orders

**Decided On :** Feb-28-2025

**Judge :** S.R.Krishna Kumar

**Appeal No. :** CRL.P/2373/2025

**Appellant :** Sri Arvind Kumar V

**Respondent :** State of Karnataka

**Judgement :**

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF FEBRUARY, 2025 BEFORE THE HON'BLE MR JUSTICE S.R.KRISHNA KUMAR CRIMINAL PETITION NO. 2373 OF 2025 (482(Cr.PC) / 528(BNSS) BETWEEN: SRI ARVIND KUMAR V S/O LATE SRI VENKATSH M C, AGED ABOUT 39 YEARS, R/AT NO. 418, 6TH CROSS, 3RD MAIN, BEML LAYOUT, 7TH STAGE, R V COLLEGE POST, BENGALURU - 560 059. PETITIONER (BY SRI. SHARATH GOWDA G B, ADVOCATE) AND:

1. STATE OF KARNATAKA BASAVANAGUDI WOMEN POLICE STATION, REPRESENTED BY STATE PUBLIC PROSECUTOR,

2. SMT V LATHA W/O ARVIND KUMAR,

AGED ABOUT 34 YEARS, RESIDING AT NO. 52, 1ST MAIN, KENGERI SATELLITE TOWN, Digitally signed by BANGALORE - 560 060. LEELAVATHI RESPONDENTS SR Location: (BY SRI. THEJESH.P, HCGP FOR R-1 High Court SRI. KALYAN.R, ADVOCATE FOR R-2) of Karnataka

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE PROCEEDINGS IN CC.NO.29760/2015 ON THE FILE OF XXXVII ADD. CHIEF JUDICIAL MAGISTRATE, BENGALURU, BASAVANAGUDI POLICE STATION REGISTERED FOR THE OFFENCES PUNISHABLE UNDER SEC. 498A, 506, 34 OF THE IPC READ WITH SEC. 3 AND 4 OF THE DOWRY PROHIBITION ACT, 1961 ARRAYING THE PETITIONER HEREIN AS ACCUSED NO.1.

**THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER**

WAS MADE THEREIN AS UNDER: -2- CORAM: HON'BLE MR JUSTICE S.R.KRISHNA KUMAR

**ORAL ORDER**

In this petition, petitioner has sought for the following relief:-

WHEREFORE, it is humbly prayed that this Honble Court may be pleased to quash the proceedings in C.C.No.29760/2015 on the file of XXXVII Addl. Chief Judicial Magistrate, Bengaluru, registered by Basavanagudi Police Station for the offences punishable under Section 498-A, 506, r/w. Sec. 34 of IPC read with Sec. 3 and 4 of the Dowry Prohibition Act, 1961 arraying the petitioner herein as accused No.1, and pass such other order/s as this Honble Court deems fit under the facts and circumstances of the case, to serve the interest of justice and equity.

2. Learned counsel for the petitioner - accused,

respondent No.2 and their respective counsel have filed an affidavit dated 28.02.2025 duly signed by the petitioner, respondent No.2 and their respective counsel and the same is taken on record.

3. Petitioner - accused and respondent No.2 are physically present along with their respective counsel, before the Court and they admit the contents of the Affidavit, which reads as under:- I, Smt.V. Latha, W/o Arvind Kumar, aged about 35 years, residing at No.52, 1st main, Kengeri Satellite Town, -3- Bengaluru 560060, do hereby solemnly affirm and state on oath as follows:

1. I state that I am the 2nd Respondent in the above petition and I am aware of the facts and circumstances of the case, hence swearing to this affidavit.

2. I state that I had filed a complaint dated 26.12.2013

before the 1st Respondent which was registered under crime No.42/2015 for offence punishable under Sec. 498-A, 506 and 34 of IPC read with Sec. 3 & 4 of Dowry Prohibition against the Petitioner. Upon investigation the Respondent No.1 filed charge sheet against the Petitioner herein by arraying him as Accused and a case was registered in C.C. No. 29760/2015 on the file of XXXVII Addl. Chief Judicial

3. I state that as the Petitioner and I have settled all our

disputes amongst ourselves, we have arrived to a settlement and I am no longer interested in prosecuting the proceedings in 29760/2015 on the file of XXXVII Addl. Chief Judicial

4. I state that on account of marital discord, the petitioner herein filed a petition in M.C.No. 1591/2015 on the file of Principal Family Court, Bengaluru seeking dissolution of their

marriage. Per contra I had filed a petition in M.C.No.248/2017 on the file of Principal Family Court, Bengaluru seeking restitution of conjugal rights. The Principal Family Court vide common judgment and decree dated 14.03.2023 was

pleased to decree the petition of the -4-

Respondent and thereby dissolved our marriage, whereas dismissed the petition filed by me for restitution of conjugal rights. As against the said common judgment and decree, I have preferred appeals in M.F.A. No.2354/2023 C/w M.F.A.No.2359/2023. In view of settlement arrived between us, the petitioner has agreed to pay a sum of Rs. 17,00,000/- (Rupees Seventeen Lakhs Only) towards my permanent alimony, maintenance and my all other claims. In view of the same, I have accepted the common judgment and decree dated 14.03.2023 passed in M.C.No. 1591/2015 C/w M.C.No.248/2017 on the file Principal Family Court, Bengaluru and accept the dissolution of our marriage and I undertake to withdraw the appeal in M.F.A. No.2354/2023 C/w M.F.A.No.2359/2023.

5. I state that, given the settlement entered between me

and the Petitioner, I am no longer interested to prosecute C.C. No. 29760/2015 on the file of XXXVII Addl. Chief Judicial Magistrate, Bengaluru. I state that I hereby withdraw all allegations made by me in my complaint dated we.12.2013 and I have no objection for allowing the above petition and thereby quash the proceeding under C.C. No.

I, the deponent herein declare that this is my name and signature and the statements made in the above paragraphs are true and correct to the best of my knowledge, information and belief. -5-

4. In view of the aforesaid settlement entered into between the petitioner and respondent No.2, I pass the following:

## **ORDER**

(i) The petition is disposed of in terms of the Affidavit dated 28.02.2025.

(ii) The proceedings in C.C.No.29760/2015 (arising out of

Crime No42/2015 of 1st respondent - Police) registered for the offences punishable under Sections 498-A, 506 r/w. Section 34 of IPC and Sections 3 and 4

of the Dowry Prohibition Act, 1961, pending on the file of the XXXVII Addl. Chief Judicial magistrate, Bengaluru, insofar as the petitioner is concerned are hereby quashed. Sd/- (S.R.KRISHNA KUMAR) JUDGE BMC List No.: 3 SI No.: 1

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