

Aravind @ Sandy vs State of Karnataka

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Court : Karnataka Orders

Decided On : Feb-25-2025

Judge : S.R.Krishna Kumar

Appeal No. : CRL.P/2685/2025

Appellant : Aravind @ Sandy

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2025 BEFORE THE HON'BLE MR JUSTICE S.R.KRISHNA KUMAR CRIMINAL PETITION NO. 2685 OF 2025 (482(Cr.PC) / 528(BNSS) BETWEEN: ARAVIND @ SANDY S/O RAVI AGED ABOUT 28 YEARS R/O NO 4/15 F 306/1B 3RD STREET, SHRINAGAR SARVANGAMPATTI COIMBATORE TAMIL NADU - 631 027. PETITIONER (BY SRI. SYED AKBAR PASHA.,ADVOCATE) AND:

1. STATE OF KARNATAKA BYATARAYANAPURA POLICE STATION
R/BY STATE PUBLIC PROSECUTOR HIGH COURT OF KARNATAKA
BENGALURU 560 001.

2. SMT DHANALAKSHMI W/O PRAKASH AGED ABOUT 48 YEARS

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Location: High Court of (BY SMT. M.M. WAHEEDA, HCGP FOR R-1
Karnataka SRI. PARAMESHWARAIAH.D.C, ADVOCATE FOR R-2)
THIS CRL.P IS FILED U/S 482 CR.P.C (U/S 528 BNSS) BY PRAYING
TO QUASH THE FIR IN CR.NO.233/2017 AND SPL.CC.NO.591/2017
FILED BY THE 1st RESPONDENT BYTRAYANAPURA POLICE, FOR
THE OFFENCES P/U/S 363,366,344,376 OF IPC, U/S 4,6,12 OF
POCSO ACT AND FURTHER PLEASED TO QUASH THE FURTHER
PROCEEDINGS, PENDING ON THE FILE OF ADDL. CITY CIVIL AND
SESSIONS JUDGE, FTSC-V, BENGALURU. -2-

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

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

ORAL ORDER

In this petition, petitioner has sought for the following relief:- The petitioner most respectfully prays to this Honble Court may kindly be please to quash the FIR no.233/2017 and Spl C.C No. 591/2017 filed by the 1st respondent Bytrayanapura Police for the offences punishable under section 363, 366, 344, 376 of IPC and Section 4, 6 and 12 POCSO Act, and further please to quash the further proceedings pending on the file of Addl City Civil and Sessions Judge FTSC-V Bengaluru in the interest of justice and equity.

2. Learned counsel for the petitioner has filed an application

under Section 320(2) of Cr.P.C., accompanied by individual Affidavits filed by petitioner, 2nd respondent - de facto complainant and the victim all dated 22.02.2025. The same are taken on record.

3. Petitioner - accused, 2nd respondent - de facto

complainant and victim are physically present before the Court and they admit the contents of the aforesaid application, which reads as under:- APPLICATION UNDER SECTION 320(2) OF CODE OF CRIMINAL PROCEDURE -3- That the petitioner, 2nd respondent and the victim jointly submits to this Hon'ble Court as under:-

1. That the petitioner and his family members and the

2nd respondent and her family members had amicably resolved the differences amongst themselves and the marriage between the petitioner and the victim was solemnized on 26-02-2020, before the Registrar of marriage Coimbatore, State of Tamil Nadu, hence in view of the same the 2nd respondent prays to this Hon'ble Court to quash the criminal proceedings to safe guard the marital life and future of the parties.

2. It is submitted that the either the 2nd respondent or

the victim has not having any grievance, as the issue is settled and marriage is performed and both the petitioner and victim is residing as husband and wife in matrimonial home in a joint family of petitioner.

3. It is submitted that the victim girl voluntary left the

house with the petitioner on account of love with the petitioner and the complaint is lodged since she was 17 years at that time now the victim attained the age of majority and the victim is aged about 24 years (04-02-2001) had married on 26-02-2020. Now the child boy namely Advik is born on 18-11-2023.

4. It is submitted that above offences alleged not

affect the morals of the Society as the same is personal in nature and no harm or prejudice will be caused to the Society at large in the event of quashing of the proceedings. Wherefore The petitioner and the 2nd respondent and the victim jointly most respectfully please to quash the FIR -4-

no 233/2017 & Spl C.C No 591/2017 filed by the 1st respondent Bytrayanapura Police for the offences punishable under section 363, 366, 344, 376 of IPC & Section 4, 6 & 12 of POCSO Act, and further please to quash the further proceedings pending on the file of Addl City Civil & Sessions Judge FTSC-V Bengaluru in the interest of justice and equity.

4. In view of the aforesaid settlement entered into between the petitioner, 2nd respondent and victim, I pass the following:

ORDER

(i) Petition is disposed of in terms of the application filed under Section 320(2) of Cr.P.C. dated 25.02.2025.

(ii) All further proceedings in Spl.C.C.No.591/2017 arising

out of Crime No.233/2017 registered by the 1st respondent - Police for offences punishable under Sections 363, 366, 344, 376 of IPC and Sections 4, 6 and 12 of the POCSO Act, 2017, pending on the file of Addl.City Civil and Sessions Judge, FTSC-V, Bangalore, are hereby quashed. Sd/- (S.R.KRISHNA KUMAR) JUDGE Srl.

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