

Amitha vs the State of Karnataka

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Court : Karnataka Orders

Decided On : Feb-27-2025

Judge : S.R.Krishna Kumar

Appeal No. : CRL.P/2694/2025

Appellant : Amitha

Respondent : The State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2025 BEFORE THE
HON'BLE MR JUSTICE S.R.KRISHNA KUMAR CRIMINAL PETITION
NO. 2694 OF 2025 BETWEEN:

1. AMITHA W/O SACHIN AGED ABOUT 62 YEARS

2. RONITH SACHIN SUVARNA S/O SACHIN AGED ABOUT 23 EARS
BOTH R/AT NO. 18-69 SHANTHIDHAMA, OPP. AMBIKA TIMBERS
KARNAD VILLAGEMULKI POST MANGALURU, D K DISTRICT - 574

154

3. DEVARAJ

S/O VITALA K AMIN AGED ABOUT 49 YEARS R/AT BAAGI NILAYA Digitally signed KARNAD VILLAGE, MULKI POST, by VIDYA G R Location: HIGH MANGALURU, D K DISTRICT - 574 154 COURT OF KARNATAKA PRESENTLY R/AT FLAT 20, FAIRLANDS COURT HUNTING PLACE , HOUNSLOW MIDDLESEX, TW5 0NN LONDON, UNITED KINGDOM

4. APPI @YAMUNA W/O SHANKARA AGED ABOUT 70 YEARS R/AT 19-399, BIJAPURA COLONY K S RAO NAGAR, KARNAD VILLAGE MULKI POST, MANGALURU D K DISTRICT - 574 154 -2- NOTE (THE NAME AND ADDRESS OF THE PETITIONERS ARE SHOWN AS PER THEIR ADHAR CARD AND THERE IS MISTAKE IN THE DESCRIPTION MENTIONED IN THE FIR) PETITIONERS (BY SRI. K RAVISHANKAR., ADVOCATE) AND:

1. THE STATE OF KARNATAKA REP BY MULKI PS, NORTH SUB-DIVISION MANGALURU CITY, D K DISTRICT - 57 AND AS WELL AS THE OFFICE OF THE SPP HIGH COURT OF KARNATAKA BENGALURU - 560 001

2. SMT. SHAHIDA W/O ABDUL RAZAK AGED 35 YEARS R/AT K S RAO NAGARA KARNAD VILLAGE, MULKI POST MANGALURU, D K DISTRICT - 574 154 RESPONDENTS (BY SMT. M.M. WAHEEDA, HCGP FOR R1; SRI SHARATH KUMAR H.N., ADVOCATE FOR R2) THIS CRL.P IS FILED U/S 482 CR.P.C (FILED U/S 528

BNNS) PRAYING TO QUASH THE FIR IN CRIME NO.105/2024 REGISTERED BY THE 1ST RESPONDENT-MULKI PS PENDING ON THE FILE OF THE SENIOR CIVIL JUDGE & JMFC MOODABIDRI D.K. DISTRICT WHEREIN THE PETITIONERS HAVE BEEN IMPLICATED AS ACCUSED FOR THE OFFENCES P/U/S/.417, 419, 420, 465, 467, 468, 471 R/W 34 IPC AS AGAINST THE PETITIONERS.

THIS PETITION COMING ON FOR ORDERS THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

ORAL ORDER

In this petition, the petitioners have sought for the following reliefs:-

Wherefore, it is prayed that this Hon'ble Court may be pleased to allow this petition and quash the FIR in Crime No.105/2024 registered by the 1st respondent - Mulki PS pending on the file of the Senior Civil Judge & JMFC Moodabidri D.K. District wherein the petitioners have been implicated as accused for the offences punishable under Sec. 417, 419, 420, 465, 467, 468, 471 r/w 34 IPC as against the petitioners in the interest of justice .

2. Learned counsel for the petitioners - accused

Nos.1 to 4 and learned counsel for respondent No.2 - complainant have filed a Joint application - I.A.No.2/2025 along with Joint Affidavit duly signed by the petitioner, respondent No.2 and their respective counsel and the same is taken on record.

3. Petitioner Nos.1 and 2, respondent No.2 and

their respective learned counsel are physically present before the Court and admit the contents of Joint -4- application - I.A.No.2/2025 along with Joint Affidavit which read as under:- I.A.No.2/2025- APPLICATION FOR COMPOUNDING OF OFFENCE FILED UNDER SEC. 359(3) OF BNSS ACT 2023

For the reasons stated in the accompanying affidavits it is prayed that this Hon'ble Court may be pleased to allow this application and consequently permit the petitioners and the 2nd respondent to compound the offence as the same is settled out of the court and quash the FIR in Crime No.105/2024 registered by the 1st respondent - Mulki PS pending on the file of the Senior Civil Judge & JMFC Moddabidri D.K. District wherein the petitioners have been implicated as accused for the offences

punishable under Sec. 417, 419, 420, 465, 467, 468, 471 r/w 34 IPC as against the petitioners in the interest of justice.

Affidavt of the respondent No.2 I, Smt. Shahida, W/o Abdul Razak, Aged 35 years, R/at K.S. Rao Nagara, Karnad Village, Mulki Post, Mangaluru, D.K. District - 574 154 today at Mangaluru do hereby solemnly affirm & state on oath as follows -

1. I am the respondent No.2 in the above said case. I know the facts of the case. Hence, I am swearing to this affidavit.

2. I state that the above petition is filed seeking

to quash the FIR in Crime No.105/2024 registered by the 1st Respondent Mulki P.S., for the offence punishable under section 417, 419, 420, 465, 467, 468, 471 r/w 34 IPC wherein I am the defacto complaint at whose instance the above said case came to be registered. -5-

3. I state that the dispute between me and the

accused persons/petitioners have been settled due to the intervention of the elder family members and other village members. I state that I have agreed to receive a sum of Rs.6,00,000/- towards the full and final settlement of the disputes arising out of Crime No.105/2024 and acknowledged the receipt of the same.

4. I state that I have mutually settled the dispute

out of court with the accused persons/petitioners and I have no objection to quash the FIR in Crime No.105/2024 registered by the 1st respondent Mulki PS on 03/10/2024 pending on the file of Senior Civil Judge & JMFC Moodabidri D.K. District. I further state that, this affidavit may be read as part and parcel of the application filed for compounding of offence and also ground raised in the memorandum of criminal petition.

5. I state that there is no undue threat or influence

whatsoever to settle the dispute between me and the accused persons and the same is arrived out of the free will. I further state that this affidavit may be taken on

record and the proceedings pending against accused persons may be quashed due to the above as settlement and the continuation of the proceedings amounts to abuse of process of court and law.

6. I state that the averment made in the paragraph Nos.1 to 5 are true and correct to the best of my knowledge, ability and same are based upon information and record. JOINT AFFIDAVIT OF PETITIONER NO.1 AND 2

We, Amitha., W/o Sachin., Aged about 52 years, and Rohith Sachin., S/o Sachin., Aged about 23 years, Both R/at No.18-69, Shanthidhama, Opp. Ambika Timbers, Karnad Village, Mulki Post, Mangaluru, D.K. -6- District 574 154 today at Mangaluru do hereby solemnly affirm & state on oath as follows -

1. We are petitioner No.1 and 2 in the above said case. We know the facts of the case. Hence we are swearing to this affidavit.

2. We state that the above petition is filed seeking to

quash in FIR in Crime No. 105/2024 registered by the 1st Respondent Mulki P.S., for the offence punishable under section 417, 419, 420, 465, 467, 468, 471 r/w 34 IPC wherein we have been arrayed as an Accused No.1 and 2.

3. We state that the dispute between us and other

accused persons have been settled with the complainant with due to the intervention of the elder family members and other village members. We state that the 2nd respondent/ complainant has agreed to receive a sum of Rs.6,00,000/- towards the full and final settlement of the disputes arising out of Crime No.105/2024 and acknowledged the receipt of the same.

4. We state that the complainant and the other

accused persons have agreed to settle the matter and the 2nd respondent has no objection to quash the FIR in Crime No. 105/2024 registered by the 1st respondent Mulki PS on 03.10.2024 pending on the file of the Senior Civil Judge & JMFC Moodabidri D.K. District against us and other accused persons. We further state that, this affidavit may be read as part and parcel of the application filed for

compounding of the offence and also ground raised in the memorandum of Criminal Petition.

5. We state that there is no undue threat or influence

whatsoever to settle the dispute between the parties and the same is arrived out of free will. We further state that this affidavit may be taken on record and the proceedings pending against us and other accused persons may be quashed as the same is settled out of -7- Court and the continuation of the proceedings amounts to abuse of process of court and law.

6. We state that the averment made in the paragraph Nos. 1 to 5 are true and correct to the best of my knowledge, ability and same are based upon information and record. AFFIDAVIT

I, Amin Devraj Vithal, S/o. Vithal K Amin, aged about 49 years, r/at Flat No.20, Fair Lands Court, Hunting Place, Honslow, Middlesex, TW5 ONN, United Kingdom, do hereby solemnly affirm and state on oath as follows:-

1. I state that the above petition is filed seeking to

quash in FIR in Crime No.105/2024 registered by the 1st Respondent Mulki P.S., for the offence punishable under section 417, 419, 420, 465, 467, 468, 471 r/w 34 IPC wherein I have been arrayed as an Accused No.3.

2. I state that the dispute between me and other accused persons has been settled with the complainant with due to the intervention of the elder family members and other village members.

3. I state that the 2nd respondent complainant has

agreed to receive a sum of Rs.6,00,000/- towards the full and final settlement of the disputes arising out of Crime No.105/2024 and acknowledged the receipt of the same.

4. I state that the complainant and the other accused

persons have mutually agreed to settle the matter and the 2nd respondent has no objection to quash the FIR in Crime No.105/2024 registered on 03.10.2024 against me and other accused persons. I further state that, this affidavit may be read as part and parcel of the application filed for compounding for the offence -8- and also ground raised in the memorandum of Criminal Petition.

5. I state that there is no undue threat or influence

whatsoever to settle the dispute between the parties and the same is arrived out of free will. I further state that this affidavit may be taken on record and the proceedings pending against me and other accused persons may be quashed as there was settlement out of court arrived between me and the complainant and other accused persons.

6. I state that the averment made in the paragraph nos. 1 to 5 are true and correct to the best of my knowledge, ability and same are based upon information and record. AFFIDAVIT OF PETITIONER NO.4

1, Appi @ Yamuna, W/o Shankara, Aged about 70 years, R/at 19-399, Bijapura Colony, K S Rao Nagar, Karnad Village, Mulki Post, Mangaluru, D.K. District - 574 154 today at Mangaluru do hereby solemnly affirm & state on oath as follows -

1. I am the petitioner No.4 in the above said case. I know the facts of the case. Hence I am swearing to this affidavit.

2. I state that the above petition is filed seeking to

quash in FIR in Crime No.105/2024 registered by the 1st Respondent Mulki P.S., for the offence punishable under section 417, 419, 420, 465, 467, 468, 471 r/w 34 IPC wherein I have been arrayed as an Accused No.4.

3. I state that the dispute between me and other

accused persons have been settled with the complainant with due to the intervention of the elder family members, and other village members. I state that the 2nd respondent/ complainant has agreed to -9- receive a sum of Rs.6,00,000/- towards the full and final settlement of the disputes arising out of Crime No.

105/2024 and acknowledged the receipt of the same.

4. I state that the complainant and the other

accused persons have mutually agreed to settle the matter and the 2nd respondent has no objection to quash the FIR in Crime No.105/2024 registered by the 1st respondent Mulki PS on 03/10/2024 pending on the file of the Senior Civil Judge & JMFC Moodabidri D.K. District against us and other accused persons. I further state that, this affidavit may be read as part and parcel of the application filed for compounding of the offence and also ground raised in the memorandum of Criminal Petition.

5. I state that there is no undue threat or influence

whatsoever to settle the dispute between the parties and the same is arrived out of free will. I further state that this affidavit may be taken on record and the proceedings pending against me and other accused persons may be quashed as the same is settled out of court and the continuation of the proceedings amounts to abuse of process of court and law.

6. I state that the averment made in the paragraph Nos.1 to 5 are true and correct to the best of my knowledge, ability and same based upon information and record.

4. Learned counsel for the petitioners has filed a

memo alongwith copy of Demand Draft stating that the petitioners have handed over the Demand Draft dated 25.02.2025 bearing No.011811 for a sum of Rs.6.00 lakhs - 10 - (rupees six lakhs only) drawn on Bharath Bank in favour of respondent No.2 (Smt.Shahida) herein. The memo is taken on record. It reads as follows:-

"It is submitted that in view of the settlement arrived between the parties the petitioners have handed over the DD dated 25/02/2025 for a sum of Rs.6 lakhs drawn on Bharath Bank bearing No.011811 drawn in favour of

Smt.Shahida the 2nd respondent herein. Hence this memo may be taken on record as an acknowledgement for having tendered the DD and part and parcel of the application for compound of offence filed by the parties in the interest of justice."

5. In view of the aforesaid settlement entered into between the petitioners and respondent No.2, I pass the following:-

ORDER

(i) The petition is disposed of in terms of I.A.No.2/2025 duly accompanying Joint Affidavit dated 21.02.2025;

(ii) The proceedings in Crime No.105/2024 registered by respondent No.1 - Mulki Police Station for the offences punishable under - 11 - Sections 417, 419, 420, 465, 467, 468, 471 r/w 34 IPC pending on the file of Senior Civil Judge and JMFC, Moodabidri D.K. District, are hereby quashed. Sd/- (S.R.KRISHNA KUMAR)
JUDGE VGR

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