

Murali vs the State of Karnataka

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Court : Karnataka Orders

Decided On : Feb-28-2025

Judge : S.R.Krishna Kumar

Appeal No. : CRL.P/2795/2025

Appellant : Murali

Respondent : The 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. 2795 OF 2025 (482(Cr.PC) / 528(BNSS)) BETWEEN:

1. MURALI S/O. LATE RAJAPPA, AGED ABOUT 32 YEARS, RESIDING
AT NO. 29, AMBEDKAR COLONY, YELLAMMA TEMPLE ROAD,
KEMBATAHALLI, BENGALURU-560 083.

2. GOURAMMA

W/O. LATE RAJAPPA, AGED ABOUT 56 YEARS, RESIDING AT NO. 29, AMBEDKAR COLONY, YELLAMMA TEMPLE ROAD, Digitally KEMBATAHALLI, signed by BENGALURU-560083. VANAMALA N Location: 3. ANITHA HIGH W/O. KG BABU, COURT OF KARNATAKA AGED ABOUT 39 YEARS, RESIDING AT NO. 37, NEAR ROYAL BAKERY, UTTARAHALLI, KEMBATAHALLI, BENGALURU-560 083 PETITIONERS (BY SRI. DEVARAJA M.,ADVOCATE) -2- AND:

1. THE STATE OF KARNATAKA BY STATION HOUSE OFFICER, HULIMAVU POLICE STATION, BENGALURU CITY. REPRESENTED BY STATE PUBLIC PROSECUTOR, HIGH COURT BUILDING, AT BENGALURU-560 001.

2. ANITHA Y,

D/O. YALLAPPA, AGED ABOUT 33 YEARS, RESIDING AT NO. F2, 1ST FLOOR, MASHA ALLA, BEHIND PRABHAVATHI DEVINSE, AVANI SHRUNGERI NAGAR, HULIMAVU, B G ROAD, BENGALURU-560076. RESPONDENTS (BY SRI. THEJESH, HCGP FOR R1; SRI. JAYASHEELA REDDY TS., ADVOCATE FOR R2) THIS CRL.P IS FILED U/S 482 CR.P.C (U/S 528 BNSS) PRAYING TO QUASH THE CHARGE SHEET AND ITS FURTHER PROCEEDINGS IN SC.NO.1859/2023 ARISING OUT OF THE COMPLAINT OF SECOND RESPONDENT IN CR.NO.287/2022 (CC.NO.12766/2023) REGISTERED BY THE FIRST RESPONDENT HULIMAVU P.S., FOR THE OFFENCES P/U/S 376,417,420,506 R/W 34 OF IPC, PENDING ON THE FILE OF THE LEARNED LIII ADDITIONAL CITY CIVIL AND SESSIONS JDUGE (CCH-54). THIS PETITION, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE S.R.KRISHNA KUMAR -3-

ORAL ORDER

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

Quash the chargesheet and its further proceedings in S C No.1859/2023 arising out of the complaint of Second Respondent in Crime No.287/2022 (C C No.12766/2023), registered by the First Respondent (Hulimavu Police Station), for the offences made punishable under Sections 376, 417, 420, 506 read with 34 of the Indian Penal Code, pending on the file of the Learned LIII Additional City Civil and Sessions Judge (CCH-54), Bengaluru City.

2. Learned counsel for the petitioners - accused Nos.1 to

3 and learned counsel for 2nd respondent - complainant have filed a Joint Application under Section 482 read with Section 320(8) of Cr.P.C and Joint Affidavit duly signed by the petitioners, 2nd respondent and their respective counsel and the same are taken on record.

3. Petitioners - accused Nos.1 to 3 and 2nd respondent No.2 are physically present before the Court and they admit the contents of the Joint Application, which reads as under:-

1. The Petitioners have preferred the above petition to quash the chargesheet and its further proceedings in SC No. offences made punishable under Sections 376, 417, 420, 506 read with 34 of the Indian Penal Code, pending on the file of the -4- Learned LIII Additional City Civil and Sessions Judge (CCH54), Bengaluru City.

2. The First Petitioner and the Second Respondent known to

each other and there was a proposal of marriage. The Second Petitioner is the mother of the First Petitioner and Third Petitioner is the sister First Petitioner. As the First Petitioner and Second Respondent intended to marry, they had a platonic relationship.

3. The parties state that subsequently, due to certain misunderstanding and incompatibility between themselves, their relationship was dented and subsequently ended in a closure.

4. The parties state that the proposal of love and marriage

relation was closed due to incompatibility between them and as such the Second Respondent was perturbed and ill advised to lodge a complaint before the First Respondent Police, to the effect that she was cheated with assurance of marriage and that she had physical relationship with the First Petitioner without her consent.

5. The parties further state that the Second Respondent was

unaware about the ordeal faced by the Petitioners and was unaware of the circumstances after the First Respondent Police filed a chargesheet against the Petitioners concerned and realised after giving partial evidence in the case that pending of the proceedings would hamper their future and desired to close the same.

6. The Second Respondent states that the pendency of the

case would disturb future life. There is no threat or coercion or compulsion whatsoever in nature from any quarter on the parties to the case in closing the pending case which is hampering their future.

7. The parties state that with the intervention of common friends

and well-wishers of the Petitioners and the Second Respondent, in view of the parties desired to lead their respective lives in harmony and peace, the misunderstanding and disputes are mutually settled inter-se between the parties and the Second Respondent is not willing to prosecute her -5- complaint against the Petitioners and has no objections whatsoever for quashing of the proceedings as against the Petitioners.

8. The parties state that in view of the mutual settlement

between themselves, it has been voluntarily agreed and decided not continue to prosecute the criminal case stated supra and hence they are jointly seeking permission for closing/ compounding of the proceedings in SC No. 1859/2023 arising out of Crime No. 287/2022 (CC No. 12766/2023) registered by the First Respondent Police, for the offences made punishable under Sections 376, 417, 420, 506 read with 34 of the

Indian Penal Code, pending on the file of the Learned LIII Additional City Civil and Sessions Judge (CCH-54), Bengaluru City. WHEREFORE, the parties named above most humbly pray that this Hon'ble Court be pleased to permit the Petitioners and the Second Respondent to compound the offences made punishable under Sections 376, 417, 420, 506 read with 34 of the Indian Penal Code in SC No. 1859/2023 arising out of Crime No. 287/2022 (CC No. 12766/2023) registered by the First Respondent Police, pending on the file of the Learned LIII Additional City Civil and Sessions Judge (CCH-54), Bengaluru City, in the ends of justice."

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

ORDER

(i) The petition is disposed of in terms of the Joint Application dated 28.02.2025. - 6-

(ii) The proceedings in S.C.No.1859/2023

(arising out of Crime No.287/2022 of 1st respondent - Police) registered for the offences punishable under Sections 376, 417, 420, 506 read with 34 of IPC, pending on the file of the LIII Additional City Civil and Sessions Judge, Bengaluru City, insofar as the petitioners are concerned are hereby quashed. Sd/- (S.R.KRISHNA KUMAR) JUDGE RB

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