

**D M Ramu vs State by**

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**SooperKanoon Citation :** [sooperkanoon.com/1791158](https://sooperkanoon.com/1791158)

**Court :** Karnataka Orders

**Decided On :** Feb-27-2025

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

**Appeal No. :** CRL.P/924/2025

**Appellant :** D M Ramu

**Respondent :** State by

**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. 924 OF 2025 BETWEEN:

1. D M RAMU S/O.D.H.MARUTHI AGED ABOUT 52 YEARS, R/AT  
NO.3791, 13TH CROSS 21ST MAIN, BANASHANKARI 2ND STAGE,  
BENGALURU-560 050.

2. D K KRISHNAPPA S/O RAMAIAH AGED ABOUT 61 YEARS R/AT  
NO.42, 2ND MAIN VIDYARANYA NAGAR MAGADI ROAD, TOLL GATE

BENGALURU - 560 023 Digitally signed by VIDYA G R PETITIONERS  
Location: HIGH COURT OF (BY SRI. A V RAMAKRISHNA.,  
ADVOCATE) KARNATAKA AND:

1. STATE BY UPPARPET POLICE STATION, REPTD. BY STATE  
PUBLIC PROSECUTOR, HIGH COURT OF KARNATAKA, HIGH  
COURT BUILDING, BENGALURU-560 001. -2-

2. D H NARAYANASA S/O LATE HANUMANTHASA AGED ABOUT 62  
YEARS R/AT 14, 14/1 AND 14/2 SHESHDRI ROAD BENGALURU - 560  
009 RESPONDENTS

(BY SMT. M.M. WAHEEDA, HCGP FOR R1; SRI RAJASUBRAHMANYA  
BHAT, ADVOCATE FOR R2) THIS CRL.P IS FILED U/S.482 (FILED  
U/S.528 BNSS) CR.P.C., PRAYING TO SET ASIDE THE ORDER  
DATED 30.05.2015 PASSED BY IX ACMM BENGALURU IN  
C.C.NO.13871/2015, THEREBY TAKING COGNIZANCE OF THE  
OFFENCE P/U/S 468, 471, 420, 120-B OF IPC AND ISSUANCE OF  
PROCESS AGAINST THE PETITIONERS AS PER ANNEXURE A AND  
ALL FURTHER PROCEEDINGS, CONSEQUENTLY QUASH THE  
CHARGE SHEET ANNEXURE D, NOW PENDING ON THE FILE OF V  
ACMM, BENGALURU BY ALLOWING THIS CRIMINAL PETITION AND  
ETC. THIS PETITION COMING ON FOR ORDERS THIS DAY,

## **ORDER WAS MADE THEREIN AS UNDER:**

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

## **ORAL ORDER**

In this petition, the petitioners have sought for the following reliefs:- "Wherefore,  
the petitioners above named humbly prays that this Hon'ble Court be pleased to:-  
a) Set aside the order dated 30.05.2015 passed by IX Addl. Chief Metropolitan  
Magistrate, Bengaluru in C.C. No.13871/2015, thereby taking cognizance of the  
offences punishable under section 468, 471, 420, 120(B) of I.P.C. and issuance of

process against the petitioners as per Annexure-A and further all -3- proceedings, consequently quash the charge sheet Annexure-D, now pending on the file of V Addl. Chief Metropolitan Magistrate, Bengaluru, by allowing this criminal petition and; b) Grant such other relief or reliefs as this Hon'ble Court deems fit under the facts and circumstances of the case, in the interest of justice.

## 2. Learned counsel for the petitioners-accused

Nos.4 and 5 and learned counsel for respondent No.2 - de facto complainant have filed a Joint application - I.A.No.1/2025 along with Affidavit of respondent No.2. Same are taken on record.

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

their learned counsel are physically present before the Court and they admit the contents of application and the Affidavit which read as under:- "APPLICATION UNDER SECTION 482 R/W 320 (2) OF THE CODE OF CRIMINAL PROCEDURE The petitioners and respondent No.2 above named begs to submit as follows:

### 1. The petitioners being aggrieved by the order dated

30.05.2015 passed by the IX Addl. Chief Metropolitan Magistrate, Bengaluru in C.C.No.13871/2015 thereby taking the cognizance punishable under Section 468, 471, 420, 120(B) of -4- I.P.C. and issuance of process against them and all further proceedings, the petitioners present 146(3) of Cr.P.C. for investigation and report.

### 2. The Petitioners further submitted that the

Respondent No.2 lodge a private complaint before the learned Magistrate and the same was registered as PCR No. 1763/2011 and afterwards the matter was referred to the respondent No.1 police under Section 156(3) of Cr.P.C. for investigation and report.

### 3. The petitioners further submitted that on

reference for investigation, the respondent No.1 police registered a case against the persons in Cr.No.310/2011 for the offences punishable under Section 420,

463, 464, 468, 470 and 471 R/w 34 of I.P.C. and after completion of investigation submitted a charge sheet against the accused No.1 to 5 for the offences punishable under Sec. 468, 471, 420, 120(B) of IPC.

4. The petitioners further submitted that on

submission of charge sheet the learned Magistrate took cognizance of the charge sheeted offence and process issued against the accused persons and charge has been framed against the accused persons and CW1 was secured examined and party cross examined and deferred for further cross examination.

5. The petitioners and respondent No.2 further submitted that during the pendency of investigation the accused No.1 and 3 expired after submission of charge sheet the case against A1 to A3 abated.

6. The petitioners further submitted that they are attesting witnesses to alleged palupatti and they are not beneficiaries under palupatti.

7. The petitioners and respondent no.2 further submitted that after partly cross examination of PW1/CW1 at the intervention of well-wishers and -5-

elders in the family issues between family members of A2 i.e., second wife of accused no.2 and another and the complainant and another matter has been settled under fresh registered Partition Deed dated 12.04.2024 and the complainant share has been given to the complainant. Hence, the Respondent No.2 got his share and he is not willing to continue the case against the petitioners before the trial court. Hence, this compromise application for kind consideration of this Hon'ble Court.

8. The respondent no.2 further submitted that the of

accused no.1 is the wife of his brother and accused no.2 and 3 are his brothers and accused no.1 to 3 are no more and second wife of accused no.2 and another gave his share in property, the dispute arose with regard to sharing of property and now it is set right under fresh partition deed and petitioners are not beneficiaries and they are attesting witnesses to alleged palupatti.

9. The Respondent no.2 further submitted that entering to this compromise there is no pressure, coercion or threat on him and the compromise voluntary.

10. They further submitted that the alleged offences

are non compoundable in nature. Hence, they pray this Hon'ble Court to accord permission to compound the offences in view of the compromise arrived between the parties. Hence, this application for kind consideration of this Hon'ble Court.

11. The Respondent No.2 further submitted that he

has no objection to quash impugned order and all further proceedings against the petitioners in C.C.No.13871/2015 pending on the file of V Addl. Chief Metropolitan Magistrate, Bengaluru, in view of the compromise between them. WHEREFORE, the petitioners and respondent no.2 above named humbly prays that this Hon'ble Court -6- be pleased to accord permission to compound the aforesaid offences and accept the compromise arrived between the parties and quash the impugned

**order and all further proceedings in C.C.No.**

Metropolitan Magistrate, Bengaluru for the offences AFFIDAVIT I, D.H.Narayanasa, S/o. Late D.H.Hanumanthasa, aged about 62 years, residing No.14, 14/1 and 14/2, Seshadri Road, Bengaluru-560 009, do hereby solemnly affirm and state on oath as follows:

1. I am the Respondent No.2 in the above petition and I am well conversant with the facts and circumstances of the case. Hence, I am swearing to this affidavit.

2. I state that, I am the complainant before the Trial

Court, based on my private complaint, the learned Magistrate refer the matter for investigation to the respondent no.1 police registered a case in Cr.No.310/2011 against the petitioners and others for the offences punishable under Section 420, 463, 464, 468, 470, 471 R/w 34 of IPC and after completion of investigation submitted a charge sheet against the accused no.1 to 5 for the offences punishable under Section 468, 471, 420, 120(B) of IPC.

3. I further state that during the course of

investigation the accused no.1 and 3 died and after submission of the charge sheet the Accused no.2 died the present petitioners are accused no.4 and 5 in charge sheet now before the trial court and the petitioners are attesting witnesses to the alleged palupatti.

4. I further state that, Late accused No.2 and 3 are

my elder brothers and Late Accused No.1 is the wife of Accused No.2 under Palupatti, accused No.1 to 3 did not gave my share in the property. Hence, I filed the criminal case and civil case against them. -7-

5. I further state that, before the trial court, I was

examined as PW1 and partly cross examined at that juncture at the intervention of well-wishers and elders, the family members of the accused no.1 to 3 agreed to gave my share in the property and my share in the property given under fresh registered Partition Deed dated 12.04.2024. In view of the compromise between me and family members of the accused no.1 to 3 and family members of the accused No.1 to 3 gave my share in the property. I agreed to compromise the criminal matter.

6. I state that, in view of the compromise between me

and family members of the accused no.1 to 3 with regard to subject matter of criminal case, I agreed to not pressed the criminal complaint against the present petitioner i.e., accused no.4 and 5.

7. I state that, in entering in to the compromise between me and petitioners/accused no.4 and 5 there is no coercion, pressure or threat to me, it is under voluntary.

8. I state that, I have no objection to allow the above

petition and to quash the proceedings against the petitioners/accused No.4 and 5 pending before the court below. Hence, this affidavit in support of accompanied

application.

9. I state that, since the alleged offences are non

compoundable in nature. Hence, I cannot enter into compromise before the court below with the petition. Hence, the petitioners have filed accompanied application seeking permission to compound the offences and for a acceptance of our compromise. WHEREFORE, I pray that this Hon'ble Court pleased to allow the above said petition and quash the entire proceedings in C.C.No.13871/2015 pending on the file of V Addl. Chief Metropolitan Magistrate, Bengaluru in view of the compromise between the parties, in the interest of justice."

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4. 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.1/2025 duly accompanying affidavit dated 27.02.2025;

(ii) The proceedings in C.C.No.13871/2025 pending on the file of V Addl. Chief Metropolitan Magistrate, Bengaluru for the offences punishable under Sections 468, 471, 420, 120(B) of IPC are hereby quashed. Sd/- (S.R.KRISHNA KUMAR)  
JUDGE VGR

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